ADMINISTRATION
OF
WARREN HASTINGS
AND
TRIAL OF NUNDO CO-OMAR

PRANNATH SARASWATI

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THE

ADMINISTRATION

OF

WARREN HASTINGS,

FIRST GOVERNOR-GENERAL OF INDIA,

AND THE

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TRIAL OF MAHARAJAH NUNDO COOMAR.

BY

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VAKIL, HIGH COURT.

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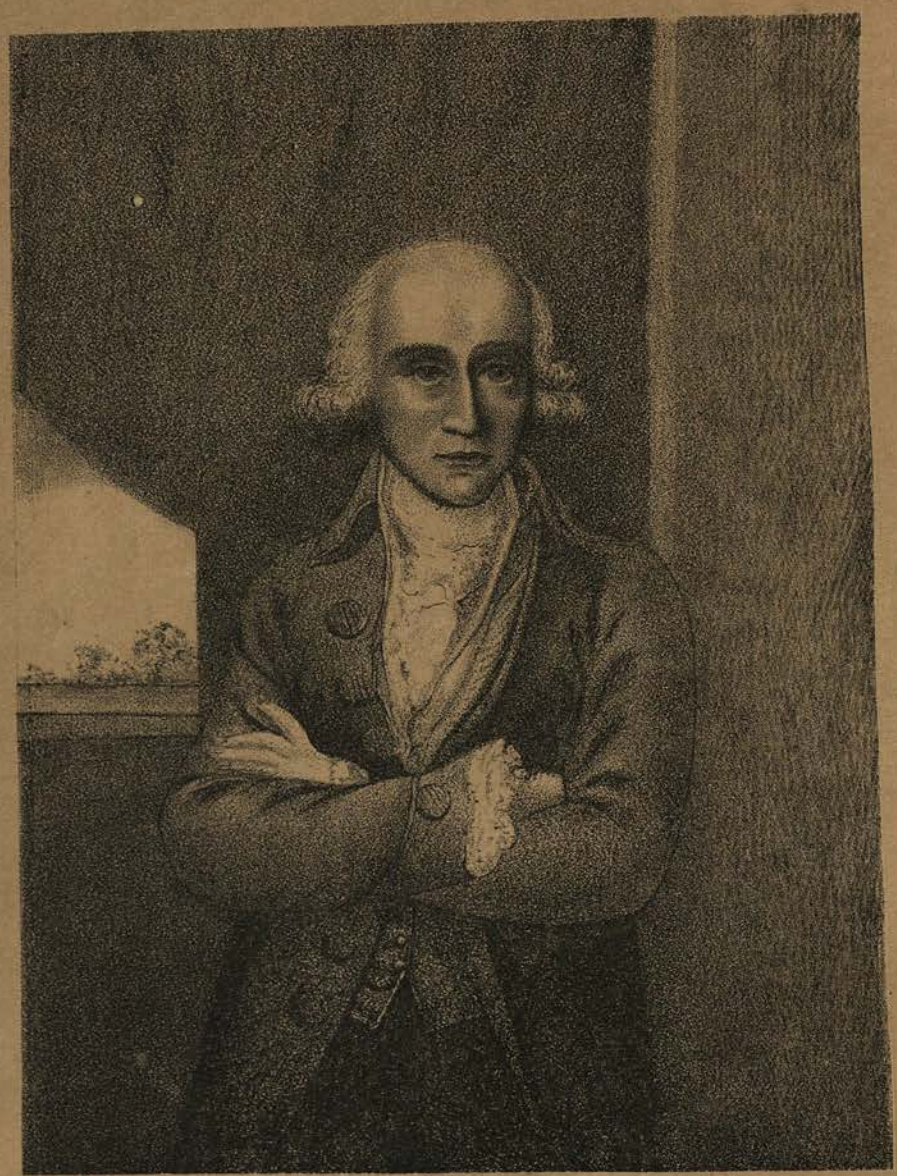
ADVERTISEMENT.

This compilation is intended to supply a want which, it is believed, has been long felt by the educated in this country. Its main object is to present in a convenient form a clear and correct view of the rise and progress of the British Administration in India. There are many valuable works, treating of particular events or periods of Anglo-Indian History in sufficient detail, but these works are necessarily voluminous and not easily accessible to people of limited means. It seemed, therefore, desirable to collect in one work, the best pieces from leading Indian Histories and Chronicles from the time of Warren Hastings down to the present day. Such a collection, if carefully made and properly supplemented, cannot fail to be a most useful and interesting study.

It is proposed to bring out the work in parts, each part dealing with a particular event or period of Anglo-Indian History. The first part, now placed before the public, contains a most instructive and impartial account of the Administration of Warren Hastings, the first Governor-General of India. The historic trial of Maha Rajah Nundocomar has been given in the Appendix. The subsequent parts will deal *seriatim* with the reigns of his successors. In this way, when the work is completed, the reader will have placed in his hands, the best brief account available of almost every important event in the History of India under British Rule.

With a view to enhance the interest of the work, it will contain portraits of the Governors-General of India from Warren Hastings down to the present day. The publisher trusts that the encouragement and patronage of the educated Indian Community will enable him to carry his project into early completion.

BHOWANIPORE,
June 1889.



By R. C. Boss.

THE RIGHT HON'BLE WARREN HASTINGS,

First Governor General of India.

THE ADMINISTRATION OF WARREN HASTINGS.

THIS celebrated governor superseded Mr. Cartier in the Bengal presidency in April, 1772. He had accompanied Mr. Vansittart to England in 1764, and was at that time in the enjoyment of a moderate independence, and a reputation for ability and disinterestedness of no common order. Presidents and counsellors, commanders military and naval—in a word, the whole body of European officials, of any rank in the service—are recorded as having received costly presents from the native princes. In this list the name of Warren Hastings is alone wanting; and as it is certain his position in the court of Meer Cossim must have afforded more than average opportunities for the accumulation of wealth in a similar manner, the exception tends to prove that the love of money formed no part of his "sultan-like and splendid character."* On the contrary, he was generous even to prodigality; by which means, a brief sojourn in England, surrounded by family claims, reduced his finances to a condition little above that in which they had been fifteen years before; when, through the influence of a distant relative in the E. I. direction, the impoverished scion of a noble house had been despatched, at the age of seventeen, as a writer to Calcutta.† There, as we have seen, he had risen from the lowest grade of office to a seat at the council-board, aided by general talent and application to business, but especially by the then rare advantage of acquaintance with the Persian language—the medium through which official correspondence in India was mainly conducted. The evidence given by him during the inquiry instituted by parliament in 1766, regarding the system of government adopted by the E. I. Cy., afforded a fair opportunity for the exposition of his views on a subject of which he was well calculated, both by experience and ability, to form a correct opinion; and although the hostility of the Clive party in the India House, prevented—happily for Hastings—his being suffered to accompany his former chief, Mr. Vansittart, in the projected mission to Bengal, no objection was made to his appointment to the station of second in council at Madras, whither he proceeded in 1769. Here his measures

* Bishop Heber's *Journal* (London, 1828), i., 330.

† The pedigree of the young writer can, it is affirmed, be traced back to the fierce sea-king, long the terror of both coasts of the British channel, whose subjugation called forth all the valour and perseverance of the great Alfred; and in tracing the political career of the Indian Governor, one is tempted to think that not a few of the piratical propensities of Hastings the Dane, were inherited by his remote descendant. The more immediate ancestors of Warren Hastings were lords of the manor of Daylesford, in Worcestershire, and retained considerable wealth up to the time of the civil war in which King Charles I. lost his crown and life, and their existing representative all his possessions, except the old manor house, which being from poverty unable to retain, they sold in the following generation to a London merchant. To regain the ancient home of his family was the aspiration of Warren Hastings, while still a child of seven years old; and the hope which first dawned on his mind as he lay on the bank of the rivulet flowing through the lands of Daylesford to join the Isis, never passed away, but cheered him amid every phase of his chequered career, from the time when he learned his daily tasks on the wooden bench of the village school, or laboured at higher description of study at the next school to which he was sent, where he was well taught, but so scantily fed, that he always attributed to that circumstance his stunted growth and emaciated appearance. From Newington Butts he was transferred to Westminster school, where Churchill, Colman, Lloyd, Cumberland, Cowper, *and Impey*, were fellow-students. His comrades liked and admired the even-tempered boy, who was the best of boatmen and swimmers; and so high were his scholarly acquirements, that upon the sudden death of the uncle, who had placed him at Westminster, Dr. Nicholl, then headmaster, offered to bear the expense of sending his favourite pupil to Oxford. But the distant relative on whom the responsiblity of the decision devolved, persisted in sending the youth to India, and he was shipped off accordingly. Some seven years after, when about four-and-twenty, he married the widow of a military officer. She soon fell a victim to the climate, leaving Hastings one child, who was sent to England for health and education. The death of this son, to whom he was fondly attached, was the first intelligence received by the bereaved father on his arrival in 1764, and it rendered him more than commonly indifferent to the management of his pecuniary affairs. On leaving India, the chief part of his savings remained vested there, the high rate of interest being probably the inducement; but great advantages of this description are usually of a precarious character, and Hastings lost both principal and interest. This calamity did not hinder him from providing liberally for an aunt, for an only and beloved sister, like himself, the offspring of an early and ill-starred marriage, and for other pensioners, although his own Indian equipment had to be purchased with borrowed money.

were especially directed to improve the investments on which the dividends of the company mainly depended, and these exertions were instrumental in procuring his promotion to the station of governor of the Bengal presidency.*

Affairs there had reached the last stage of disorganisation. Seven years had elapsed, since the acquisition of the dewannee, without the establishment of any efficient system for the government of the people, and the result was the total absence of "justice or law, or adequate protection to person or property anywhere in Bengal, Behar, and Orissa, except at Calcutta; the boys of the service being sovereigns of the country, under the unmeaning title of supervisors, collectors of the revenue, administrators of justice, and rulers, heavy rulers, of the people." These youths—whom Hastings elsewhere describes as "most of them the agents of their own banyans (native managers), and they are devils"—occupied more lucrative positions than the governor himself, obtaining from one to three lacs a-year; but they were a dangerous class to meddle with, being "generally sons, cousins, or *élèves* of directors."† The new governor was not the man to risk provoking a powerful opposition to his administration by their recall, but contented himself with some indirect and partial attempts to retrench their power, and pave the way for its gradual withdrawal.

Meanwhile, the measures dictated by the Court of Directors were to be carried out, and the task was one of much greater delicacy and importance than persons imperfectly acquainted with the constitution of Indian society could possibly conceive. The company were extremely dissatisfied with the amount of revenues levied by the native officials, and were well disposed to attribute to their mismanagement and venality the ruinous condition both of their own finances and of the trade of the country. This frame of mind procured a ready reception to the charges brought before them through irregular channels, by means of the long purse and restless intrigues of Nuncomar, against Mohammed Reza Khan, who, it was alleged, had been guilty of extensive embezzlements of revenue, and likewise of an illicit monopoly of rice during the recent famine. Hastings was consequently directed to put in immediate execution the resolve of the company—"to stand forth as dewan, and to take upon themselves the entire care of the revenues," and, likewise, to institute a public examination into the conduct of the ex-dewan. These instructions were addressed by the secret committee of the company, not to the council, but privately to the governor, and were received by him in the evening of the tenth day after his accession to office. On the following morning, orders were despatched to Moorshedabad for the seizure of Mohammed Reza Khan, which was effected with the utmost secrecy in the silence of midnight. The Mussulman, with characteristic composure, upon being unexpectedly made a prisoner, attempted neither resistance nor expostulation, but bent his head and submitted to the will of God. It was considered necessary by the presidency to subject to a like arrest and examination the brave Hindoo chief, Shitabroy, whose distinguished services had been rewarded by a similar appointment in Behar to that given to Mohammed Reza Khan in Bengal, although the directors had given no order on the subject, nor was any accusation whatever on record against him. The inquiry into the conduct of these ex-officials and their subordinates was delayed for some months, on the plea of giving time for the

* Among the fellow-passengers of Hastings, during his voyage, was a German baron named Imhoff, who, in the hope of finding remunerative employment as a portrait painter, was proceeding to India, accompained by his wife, a very beautiful and accomplished woman, a native of Archangel, and their chidren. The result of some months of constant intercourse between two persons of high intellectual acquirements and feelings stronger than their principles, may be conjectured. Hastings was taken dangerously ill; the lady nursed him (according to the Rev. Mr. Gleig) "with a sister's care;" and before the vessel reached Madras, it was arranged that a divorce should be sued for in the Franconia courts by the baroness, who during the long years which might and did elapse pending the decision of the judges, was to continue to live with the baron. This arrangement was actually carried out: the Imhoffs followed Hastings from Madras to Calcutta; and when the marriage was at length formally dissolved, the baron returned to his native country with wealth to purchase and maintain the position of a landed proprietor, leaving the governor-general of India to marry the divorced lady, and adopt her two sons. Whether from ignorance of these facts, or a politic desire to overlook the antecedents of the union of a distinguished public servant, it appears that Queen Charlotte welcomed Mr. Hastings with especial affabillity to a court remarkable for its high standard of female character. It is but justice to state, that Mr. and Mrs. Hastings remained devotedly attached to each other; and that the affectionate attentions of her son and daughter-in-law, Sir Charles and Lady Imhoff, were the solace of Hastings under the many self-sought sorrows of his old age.

† *Life of Warren Hastings*, pp. 147, 235, 269.

deposition of complaints. In the meanwhile, the *Khalsa*, or government revenue establishment, was transferred from Moorshedabad to Calcutta; the office of naib-dewan was abolished both for Bengal and Behar; the British council formed into a board of revenue; and a native functionary or assistant dewan, under the old Hindoo title of roy-royan,* appointed to act in the Khalsa, to receive the accounts in the Bengal language, and make reports. The great obstacle to an equitable and satisfactory arrangement of the revenues, was the utter ignorance of the law-makers regarding the tenure of land; but Hastings, influenced by the necessity of a speedy decision, and considering it better "to resolve without debate, than to debate without resolving,"† cut the Gordian knot by determining to let the lands in farm for a period of five years.‡ In many instances, the hereditary Hindoo rulers of districts had sunk into the condition of tributaries, and in that character had been forcibly included by their Moslem conquerors in the large class of zemindars or middle-men, by whom the village authorities of the old system of numerous independent municipalities were gradually supplanted in Bengal. By the present regulations, when the zemindars, and other middlemen of ancient standing, offered for the lands, or rather land-rents, which they had been accustomed to manage, terms which were deemed reasonable, they were preferred; when their proposals were considered inadequate, a pension was allotted for their subsistence, and the lands put up for sale—a proceeding which, of necessity, involved the repeated commission of glaring injustice and impolicy; for many men who had nothing to lose were installed, to the expulsion of previous zemindars, who only offered what they could realise with ease to their tenants (for so these must be called, for want of a proper term to express a false position) and remuneration to themselves. To the ryots, or actual cultivators, leases or titles were given, enumerating all the claims to which they were subject, and prohibiting, under penalties, every additional exaction. These arrangements, however fair-seeming in theory, were founded on incorrect premises, and proved alike injurious to the interests of the company and the welfare of the people.§ Regarding the administration of justice, Hastings exerted himself with praiseworthy zeal. Aware of the intention of the home government to take this portion of Indian affairs under their especial consideration, he feared, not without reason, that their deliberations might issue in an endeavour to transplant to India the complicated system of jurisprudence long the acknowledged and lamented curse of lawyer-ridden England. In the hope of mitigating, if not averting this evil, he caused digests of the Hindoo and Mohammedan codes to be prepared under his supervision, and forwarded them to Lord Mansfield and other legal functionaries, with an earnest entreaty that they might be diligently studied; and in such changes as the altered state of affairs immediately necessitated, he was careful, by following the plain principles of experience and common observation, to adapt all new enactments to the manners and understanding of the people, and the exigencies of the country, adhering as closely as possible to ancient usages and institutions.‖

There was justice as well as policy in this procedure; and it is only to be regretted that it was not carried out with sufficient exactitude. All attempts to force a code of laws, however excellent, upon people unfitted by antecedent circumstances to receive the boon, have proved abortive: a heathen nation must be educated—and that often very gradually—in the principles of truth and justice brought to light by the Gospel, before they can rightly appreciate the practical character of these virtues. The thief will not cease to steal, the perjuror to forswear, or the corrupt judge abstain from bribery at mere human bidding; a stronger lever is requisite to raise the tone of society, and produce a radical change in its

* The roy-royan had before been the chief officer under the naib-dewan, having the immediate charge of crown lands, and the superintendence of the exchequer.—(Auber's *British Power in India*, i., 369.)

† Gleig's *Life of Warren Hastings*, i., 301.

‡ Under Mohammed Reza Khan's management, the system followed was the ruinous one introduced by Mohammedan nabobs, of farming out the lands annually.—(Dow's *Hindoostan*, vol. i., p. cxxxv.)

§ No European was permitted, directly or indirectly, to hold lands in any part of the country.

‖ Halhed's *Digest of Hindoo Laws* was drawn up in Sanscrit by certain pundits (Hindoo doctors of law), translated from Sanscrit to Persian, and thence to English. The Mohammedan code, such as it is, has but one legitimate source—the Koran; nevertheless, an immense mass had been written on the subject, of which a digest called *the Hedaya*, filling four large folio volumes, was framed by order of Aurungzebe; and of this work a *précis* was now executed under the supervision of Hastings. The Brahmins would accept nothing for themselves but bare subsistence during their two years' labour. Promises were made of endowments for their colleges,

whole spirit, before public virtue could flourish in a moral atmosphere so deeply vitiated as that of Bengal. After centuries of oppression and venality, the new rulers felt that their safest policy was to commence a course of gradual amelioration, rather than of abrupt changes—abolishing only punishments openly at variance with the common dictates of humanity, such as torture and mutilation. Stipendiary English magistrates were appointed to act with native colleagues; civil and criminal tribunals were established in each district, under the check of two supreme courts of appeal—the Suddur Dewanee Adawlut, and the Nizamut Suddur Adawlut. In these arrangements one great error was, however, commited, in overlooking, or wilfully setting aside, the system of *punchayets*, or Indian juries, which had, from time immemorial, been the favourite and almost unexceptionable method of deciding civil disputes.

The immediate difficulties of the presidency at this period were, how to raise funds wherewith to provide the investments, which were expected to be regularly furnished from the revenues; and to obtain relief from a bond-debt, varying from a crore* to a crore and a-half of rupees, the interest of which alone formed an item of ten lacs in the yearly disbursements. In a pecuniary point of view, the cessation of the enormous salary of nearly £100,000, paid to Mohammed Reza Khan, was an advantage. He had filled, during the preceding seven years, the double office of naib-subah (properly subahdar) and naib-dewan; that is to say, he had been entrusted with the exercise of all the higher powers of government, judicial and financial (comprehended in the nizamut), and likewise with the charge of the education and management of the household affairs of Mubarik-ad-Dowlah; the expenditure of the yearly stipend of £320,000 having been entrusted exclusively to him. Hastings now resolved on reducing the nabob's allowance by one-half—a diminution which, together with the stoppage of the salaries of Mohammed Reza Khan and Shitabroy, effected, it is asserted, a clear yearly saving of fifty-seven lacs of rupees, equivalent, at the then rate of money, to between six and seven hundred thousand pounds. The youth and inexperience of Mubarik-ad-Dowlah rendered it necessary to nominate a new superintendent for his establishment; and the selection made was so strange, that it gave rise to much subsequent criticism, as to the real motive for choosing a female, and yet setting aside the mother of the prince. Hastings thought fit to appoint to the post of *gouvernante* Munnee Begum—a person who, previous to her entrance into the seraglio of Meer Jaffier, had been a dancing-girl, but who was now possessed of great wealth; the ostensible reason for the choice being "the awe" with which she was regarded by the nabob, and the improbability of her forming any plots against the English rulers. There were, of necessity, many affairs which eastern customs forbade to be transacted by a woman; and the co-adjutor chosen for her was Rajah Goordass, the son of Nuncomar, who, because he inherited neither the ability nor the guile of his father, would, Hastings alleged, prove a safe instrument of conferring favour on the latter, and inducing him to make every effort for the establishment of the guilt of Mohammed Reza Khan. The Hindoo, however, needed no incentive to stimulate his deep-rooted animosity against his Mussulman rival; yet, with all his ingenuity, he failed to establish the justice of the charges of embezzlement and monopoly† brought against the ex-dewan, or to prevent his acquittal, after prolonged examination before a committee, over which the governor presided. The innocence, and more than that, the excellent conduct, of Shitabroy, and the great exertions made by him to mitigate the sufferings of the people during the famine, were clearly proved at an early stage of the inquiry. A formal apology was made for the restraint to which he had been subjected; and a *sirpah*, or costly state

but not performed.—(*Hastings*, iii., 158.)——* A crore of rupees, according to the existing standard, amounted to much above a million sterling.

† The charge of oppressing the people, and applying the most cruel coercion to delinquent renters, was certainly not disproved. Dow, who was in Bengal during the early part of the administration of Mohammed Reza Khan, declares that, on the plea of their inability to fulfil their contracts being a pretence, many of the zemindars were bound to stakes and whipped with such unrelenting barbarity, that "not a few of them expired in agonies under the lash;" and many of the ryots, reduced to despair, fled the country.—(*Hindoostan*, i., cxxxvi.) These statements derive corroboration from the reasons given by the directors for ordering the trial of the dewan. In the same communication, allusion is made to the repeated accusations brought against the agents of English officials, "not barely for monopolising grain, but for compelling the poor ryots to sell even the seed requisite for the next harvest."—(Letter to Bengal, 1771.) *See* Dr. Moodie's *Transactions in India* for important information regarding the conduct of Mohammed Reza Khan during the famine.

dress, with jewels, and an elephant richly caparisoned, were presented, to adorn his triumphant return to Patna, to fill the office of roy-royan—the highest to which a native functionary could, by the recent regulations, be appointed. No small degree of humiliation was therefore blended with these marks of returning favour, which, even if unalloyed, would probably have arrived too late to repair past wrongs. Above a twelvemonth's detention in the uncongenial climate of Calcutta, aggravated by the workings of a proud spirit subjected to unmerited indignity, inflicted a mortal injury on the health of the brave chief, who died shortly after his acquittal. The appointment of roy-royan was, in testimony of his worth, transferred to his son Callian Sing, to whom the English, by the oddest assumption in the world, thought fit "to confirm the title of Maha Rajah."* But the recent changes, notwithstanding the diminution of expenditure with which they were attended, did not furnish ready money to cover the current outlay of the civil and military services of the presidency, which had risen to an enormous height; much less to meet the demands of the company at home. Hastings was deeply impressed with the exigencies of the case; and although the Court of Directors—however strongly they urged the adoption of measures to procure relief from the bond-debt by which their movements were fettered—uniformly stated, in the most forcible language, their desire for the merciful government of the people over whom they had assumed sway, and urged the adoption of an honest and straightforward policy on all occasions, yet their representative, on looking round him, and perceiving the difficulties attendant on the strict fulfilment of the various duties enjoined, thought it best, whatever else he slighted, to obey the leading injunction of getting money, comforting himself with the belief that his employers would gladly receive the fruits of his success, without caring to question the manner in which they had been acquired. In this resolution he was, no doubt, strengthened by the exceptional instance in which, deviating from their usual tone of instruction, they suggested the policy of taking a shameful advantage of the condition of the emperor, by withholding from him the annual subsidy of about £300,000, guaranteed by them in return for the perpetual grant of the dewannee.† So flagrant an inconsistency was quite enough to inspire Warren Hastings with a general distrust of the sincerity and good faith of his employers, and to incite him to grasp at immediate and unjust gains, rather than frankly set forth the actual position of affairs, and trust to the common sense and humanity of the company to give him time to develope the resources of the country, invigorate its wasted trade, cheer the drooping spirits of its industrious population; and, by these legitimate means, together with reformatory measures for the reduction of the illicit gains of European officials, to restore the commerce and revenue of Bengal to a healthy and flourishing condition.

But such a course of conduct required an amount of sturdy independence—or, better far, of stanch religious principle—rarely manifested by public men of any age or country. Warren Hastings, gifted as he was in many respects, had no pretensions of this nature. A long series of years spent in the company's service, had rendered their interest a primary consideration with him. Though lavish in his expenditure, he had, as has been before shown, no avarice in his composition. "He was far too enlightened a man to look upon a great empire merely as a buccaneer would look on a galleon."‡ The love of power and fame burned strong within him; and in taking possession of the highest appointment in the gift of the E. I. Cy., he expressed his disgust at the possibility of the Government of Bengal continuing "to be a mere chair for a triennial succession of indigent adventurers to sit and hatch private fortunes in;"§ and urged the advisability of being entrusted

* Letter from Bengal, Nov., 1773. The ancient title of Maha Rajah (the great king), borne by the highest Indian potentates before the Christian era, was not, it appears, usurped by Hindoos in modern times until the later Mogul emperors took upon themselves to confer titles, which their own usurpations had rendered unmeaning, and which by Hindoo laws could be obtained only by inheritance. Under the English, "Maha Rajahs" became very frequent; and Nuncomar held this title, which descended to his son Goordass. I have been unable to trace the origin of this celebrated man, or to find the authority upon which Macaulay speaks of him as the "head of the Brahmins of Bengal." —(*Essay on Hastings*, 36.)

† As early as Nov., 1768, the select committee, in a letter to Bengal, began to speculate on finding a plea for breaking faith with the emperor; remarking, among other contingencies—"If he flings himself into the hands of the Mahrattas, or any other power, we are disengaged from him; and it may open a fair opportunity of withholding the twenty-six lacs we now pay him."—(Thornton's *British India*, ii., 37.)

‡ Macaulay's *Essay on Warren Hastings*, p.10.

§ Gleig's *Life of Hastings*, i., 377.

with sufficient authority to carry into execution, without check or hindrance, the ambitious schemes which filled his mind, and to the fulfilment of which he was ready to devote his life. The constitution of the presidency was a subject of grave complaint with him; for, saving a certain prestige attached to the chair, and the single privilege of a casting vote, the governor had no superiority over any other member of the board, except the invidious description of exclusive authority, occasionally conferred by private communications, as in the case of Mohammed Reza Khan.

A change was at hand, but by no means such as Hastings desired; in the meanwhile, during the continuance of the old system, the majority of the councillors sided with him, and enabled him to pursue his own policy, despite the opposition and remonstrances offered by the minority on various occasions, especially with regard to his summary method of dealing with the emperor. The removal of this unfortunate prince from the immediate sphere of British protection, was asserted to be sufficient justification not only for the withdrawal of the yearly subsidy (to which the faith of the company had been unconditionally pledged),* but even for the repudiation of the arrears which Shah Alum had been previously assured were only temporarily kept back by reason of the pecuniary difficulties occasioned by the famine. Nor was this all: the emperor, while at the mercy of the arrogant Mahrattas, was compelled to sign *Sunnuds*, or grants, making over to them Allahabad and Corah. The governor left by him in charge of these districts, knowing that the order for their relinquishment had been forcibly extorted, asked leave to place them under British protection. Hastings agreed with the Mogul officer in the impropriety of obeying a mandate issued under compulsion; but that same mandate was not the less set forth by him as conveying a formal renunciation, on the part of Shah Alum, of these districts, which were forthwith formally resumed in the name of the company; and as their distance from Calcutta rendered them too expensive possessions to be retained without an addition of military force quite disproportioned to the revenue derivable therefrom, they were openly sold to the man who had once before obtained them by treachery and murder, and who (p. 287), after his defeat by the English, had spared neither intrigue nor bribery for their regainment.† It was an act quite unworthy the representative of a great English association, to let the paltry sum of fifty lacs induce him to sacrifice the last remnants of dominion to which the unfortunate emperor had been taught to look as a refuge from the worst evils that could befall him, to the ambition of his faithless and ungrateful servant. Sir Robert Barker remonstrated earnestly against this procedure, which was arranged after repeated private conferences at Benares, held between Shuja Dowlah and Mr. Hastings, during nearly three weeks of close intercourse. He declared it to be a flagrant breach of the treaty of Allahabad of 1765, by which the dewannee of Bengal was granted to the company; and said that the emperor might, and probably would, if opportunity offered, bestow the sunnuds on a rival nation. Hastings treated the possibility with scorn; declaring, "the sword which gave us the dominion of Bengal, must be the instrument of its preservation:" if lost, he added—"the next proprietor will derive his right and possession from the same natural charter." Even had the imperial grants been worth no more than the parchment they were written on, the company would have been unjustifiable in withholding the purchase-money they had pledged themselves to give: but the truth was, the sunnuds had a real, though not very definite value, of which Hastings was fully aware, though he now chose to ridicule them as much as his predecessor Clive had exaggerated their importance; and for precisely the same reason—of temporary expediency.‡ It is difficult for the

* The very sunnuds which form the title-deeds of the company, distinctly set forth the annual payment of twenty-six lacs to the emperor, Shah Alum, as a first charge on the revenues of Bengal.

† Col. Smith attested that, in 1768, Shuja Dowlah came to him, expressed his desire to possess Allahabad and Corah, and "proffered four lacs of rupees in ready money, and to swear secrecy on the Koran, if he would aid in its accomplishment." The same officer bore witness, that the emperor sensibly felt the conduct of the vizier, and had declared, with emotion, that he seemed as if he "did not wish him to have an habitation of his own on the face of the earth."—(Auber's *India*, i., 191–'2.)

‡ In 1784, when arguing in favour of aiding, instead of oppressing the emperor, Hastings writes, that he demanded assistance from the English on the right of gratitude; asserting, "that when the French and Hyder earnestly solicited his grants of the Carnatic, and offered large sums to obtain them, he constantly and steadily refused them. We know, by undoubted evidence, that this is true." These firmauns had therefore a marketable value very different to that of "waste paper."—(*Life*, iii., 192.)

English reader to appreciate the feelings which, in the minds of the Indian population, lent a peculiar degree of legality to grants unquestionably issued by the Great Mogul. The powerful and arrogant ruler of Oude ventured not on assuming the style of a sovereign: he knew the temper of neighbouring communities, and possibly of his subjects, too well to attempt this innovation; and his successor earnestly solicited, and at length with difficulty obtained from Shah Alum the title of vizier, or first subject of an empire which had little more than nominal existence, while he was himself undisputed master of an independent state as large as Ireland.

The sale of Allahabad and Corah was only one portion of the treaty of Benares. The counterpart was an arrangement for the hire of the British force to ShujaDowlah, in the novel and degrading character of mercenary troops; and this, notwithstanding the repeated orders of the directors to refrain from all participation in aggressive warfare, and the recent (July, 1772) and unanimous declaration of the council, when called upon to assist their ally against the invasions of the Mahrattas—"that no object or consideration should tempt or compel them to pass the political line which they had laid down for their operations with the vizier, which were to be defensive only;" adding, that "not a single sepoy was to pass the frontiers of his territories." *

The people against whom Hastings agreed to co-operate, in violation alike of the orders of his employers and the resolutions of his colleagues, were the Rohilla rulers of the country lying N. W. of Oude and E. of the Ganges. The establishment of this military colony had been, as we have seen, forcibly effected during the decline of the empire, partly by the retention of lands as hereditary property, which had been originally granted on the ordinary jaghire tenure, but chiefly by the aggressions of Ali Mohammed Khan, † the adventurous leader of an ever-increasing body of Afghans, whose title was avowedly that of the sword. Successive rulers of the Oude province—themselves usurpers of equally short standing—had made various attempts to subdue Rohilcund, and annex it to their own dominions, but without any permanent result. The country was, at the present time; divided into numerous petty principalities, under independent chiefs or sirdars, all of whom derived their origin from the same stock, being of one tribe—that of Ali Mohammed Khan. The very nature of their power rendered their union improbable for any other purpose except temporary coalition against an invading force; but in that event—if all were true to the common cause—they could, it was estimated, bring into the field 80,000 effective horse and foot. Still it was less their number than their bravery, dexterity with the sword, and skill in the use of war-rockets, that had heretofore enabled them to hold their ground against the imperial troops, the rulers of Oude, and their worst foes—the Mahrattas. Against the latter they had fought with relentless fury on the plains of Paniput; and though, for a time, the prudence of Nujeeb-oo-Dowla had averted the threatened vengeance, the danger was delayed, not dissipated. The open hostility displayed by his son, Zabita Khan, to Shah Alum, and the evident preparations made by him for war at Seharunpoor, were followed by the invasion of his territories by the imperial troops, under a brave commander named Nujeeb Khan, in conjunction with the Mahrattas; but the latter contrived to reap all the benefit of the enterprise.

Shuja Dowlah did not view without uneasiness the prospect of the subjugation of Rohilcund by the Mahrattas. To have a territory he had long coveted, seized and occupied by the most dangerous people all India could furnish for neighbours, was a calamity to be averted at any hazard; and he gladly entered into an alliance with the Rohillas, in 1773, to which the English became a party, to make common cause against the invaders. The leading Rohilla chief, Hafiz Rehmet, whose territories formed the western boundary of Oude,‡ though compelled by dire necessity to consent to co-operate with the nabob-vizier, as the sole means of defence against an immediate and overpowering foe, was so distrustful of his ultimate designs, that he positively refused to take the field against the Mahrattas until

* Auber's *British Power in India*, i., 385.

† Ali Mohammed is said to have been the son of a Hindoo *aheer* or shepherd, adopted in infancy by a Rohilla chief, and treated in all respects as his own child.—(*Siyar ul Mutakherin*, iii., 20.)

‡ The possessions of Hafiz Rehmet Khan joined the western limits of Oude, and were situated entirely on the north side of the Ganges, except Etawa and one or two straggling districts. Those of Zabita Khan commenced on the Jumna, about fourteen miles from Delhi, and were bounded by Sirhind on the west; and those of Ahmed Khan Bungush, bordered on the Corah country—Furruckabad being the capital.—(Auber's *India*, vol. i., 189.)

assured by Sir Robert Barker, on the faith of the English, that no ungenerous advantage should be taken of his absence from his own frontier by their mutual ally. This temporary and precarious confederacy of powers, strong only if heartily united, did not prevent the hostile force from crossing the Ganges and committing great ravages in Rohilcund; but their withdrawal was at length purchased by a bond for forty lacs, given by Hafiz Rehmet, on behalf of himself and his fellow-chiefs, to Shuja Dowla, who became guarantee for the gradual payment of the money to the Mahrattas. The succeeding events are very confusedly, and even contradictorily, related by different writers. The native, and apparently least inconsistent version, is given in the narrative of the son of Hafiz Rehmet, who states that the Mahratta leaders, Holcar and Scindia, subsequently negotiated with his father to join them against Shuja Dowlah, offering, as an inducement, to surrender to him the bond given on his behalf, and a share of such conquest as might be made in Oude. The Rohilla chief, whom all authorities concur in describing as of upright and honorable character, refused to listen to this proposition, and warned his ally of the intended attack, which, however, the Mahrattas were prevented by intestine strife from carrying into execution. The ever-treacherous and ungrateful vizier, relieved from this danger, immediately demanded the payment of the bond which he held simply as a guarantee against loss, for the benefit, not of the Mahrattas, but of himself and the English; and he had the art to persuade the latter people that the deed in question had actually been drawn up for the express purpose of providing for the expenses incurred in resisting the common foe. Hafiz Rehmet, however disgusted by this shameless demand, was not in a condition to offer effectual resistance, having lost many of his bravest commanders in the recent hostilities. He therefore forwarded his own share of the required sum, and entreated his fellow-chiefs to follow his example; but they refused to submit to such extortion; and after many ineffectual attempts at compromise, he reluctantly prepared for the inevitable conflict, observing, "that as he must die sometime, he could not fall in a better cause."*

Shuja Dowlah, notwithstanding the pains he had taken to win over some of the minor sirdars or governors, the indefensible character of the country, and the vast numerical superiority of his own troops, was little disposed to confront, without extraneous assistance, the small but hardy Afghan bands, who were resolved to struggle, even unto death, in defence of their hearths and homes in the fair valleys of Rohilcund. There were soldiers in India whose steady disciplined valour might be depended upon when fighting as hired mercenaries against such combatants as these. A single English battalion was to native armies as the steel to the bamboo: with this addition they became all powerful; without it, the death of a favourite leader, the outburst of a thunder-storm, a few wounded and ungovernable elephants, or a hundred other possible and probable contingencies, might change in an instant the shout of victory and the eager advance, into the yell of defeat and the headlong flight, amidst which even the commanders would lack presence of mind to issue any better orders than the very watchword of panic—chellao! chellao! (get on! get on!)† The deceitful representations made by Shuja Dowlah regarding the reason for which he had been intrusted with the Rohilla bond, was intended to give the English a plausible pretext to aid him in punishing an alleged breach of treaty. At the same time, he was too well acquainted with the wants and difficulties of the Calcutta presidency, and with the character of the governor, to feel any necessity for circumlocution in intimating his desire of seizing Rohilcund, and his readiness to pay a large sum for the assistance of a British force in the accomplishment of the projected usurpation.

Neither regard for the honour of his nation, nor the dignity of his own position as the representative of a great commercial body, nor even for the private reputation which he often declared "it had been the study of his life to maintain unblemished," withheld Hastings from receiving this proposition with favour, and even encouraging it by dwelling on the advantages to be derived by the projector from its execution. The result was the insertion of a clause in

* *Life of Hafiz Rehmet*, English abridgment, published by Oriental Translation Fund, pp. 112—113. Also Sir Robert Barker's evidence in 1781. Thornton's *British Empire in India*, ii., 44.

† *Vide* Colonel Wilks' graphic narrative of the battles of Hyder Ali, especiallyof his defeat by the Mahrattas at Chercoolee, and flight to Seringapatam. —(*History of Mysoor*, ii., 144.)

the treaty of Benares, by which the English governor agreed to furnish troops to assist the ruler of Oude in "the reduction" or expulsion of their late allies the Rohillas, for a gratuity of forty lacs of rupees, to be paid when the "extermination" should be completed, the vizier to bear the whole charge (computed at 210,000 rupees a month) of the British force employed in the expedition.*

In the spring of 1774, the second of the three brigades into which the Bengal army was divided—viz., that of Allahabad,† joined the forces of Shuja Dowlah, and the combined troops entered the Rohilla country. The English commander was possibly already prejudiced against Hastings, on account of the determination manifested by the latter to keep the military under the complete control of the civil authority; but this circumstance was not needed to deepen the natural disgust excited by being employed in an undertaking deservedly stigmatised as "infamous." The conduct of the nabob-vizier was, from first to last, as bad as cruelty, cowardice, and rapacity could make it. The Rohillas, astounded by the approach of English troops, anxiously strove to make terms of peace; but the demand of the invader for *two crores* of rupees, evinced his uncompromising resolve to proceed to extremities. Hafiz Rehmet took post near the city of Bareilly, with an army of 40,000 men. The English commenced the attack by a cannonade of two hours and a-half, the rapidity and persistance of which defeated the frequent attempts of the enemy to charge; at length, after Hafiz Rehmet‡ and one of his sons, with several chiefs of note, had been killed whilst rallying their dispirited followers, the rest turned and fled. Shuja Dowlah had heretofore remained a quite spectator of the fight, surrounded by his cavalry and a large body of artillery; but the fortune of the day being decided, the troops made up for their past inactivity by pursuing, slaughtering, and pillaging the fugitives and the abandoned camp, "while the company's troops, in regular order in their ranks, most justly observed," (says their commander), "we have the honour of the day, and these banditti the profit." Then followed a fearful destruction of villages, the whole country being overspread with flames for three days after the battle. Colonel Champion vainly besought Shuja Dowlah to give orders for the cessation of these atrocities; and he also appealed to Hastings§ to plead the cause of the unhappy family of Hafiz Rehmet; but the answer was, that such interference would probably aggravate the sufferings it was designed to alleviate: and this rebuff was accompanied by an intimation that it was the business of Colonel Champion to fight and not to diplomatise, and that it was especially incumbent on him to refrain from any line of conduct which should afford the nabob-vizier a pretext for refusing to pay the forty lacs—literally, the price of blood.

Thus sharply admonished, Colonel Champion was compelled to abide by the "great political maxim," till then utterly disregarded in Anglo-Indian policy,—"that no power which supports another as the mere second in a war, has the smallest right to assume a prominent place in the negotiations which are to conclude that war."‖

Shuja Dowlah was therefore suffered to finish the affair entirely to his own satisfaction; which he did by following up the slaughter of about 2,000 Rohillas on the field of battle, with the expulsion of 18,000

* Hastings avowed himself "glad of any occasion to employ the E. I. Cy's forces, which saves so much of their pay and expenses" (*Life*. i., 359); and regrets being unable to derive "some advantage from the distractions of the Mahratta state."—(i., 397.)

† The Allahabad brigade, established by Clive, drew from Fort William no less than two million sterling in five years. The sum of 30,000 rupees per month, paid according to agreement by Shuja Dowlah, during that period, was scarcely felt as a relief, for the officers in command contrived to reap the chief benefit therefrom.—(Gleig's *Life of Warren Hastings*, i., 343.)

‡ The old warrior, conspicuous from his long white beard, stately bearing, and noble charger, when all was lost, was seen to gallop forward to perish (to our shame) on English bayonets.—(Heber, i., 434.)

§ Warren Hastings remarked, that Colonel Champion had little reason to express indignation regarding the destruction of the villages; and he quoted a letter written by this officer during the war with the vizier, in 1764, in which he declared, that according to his instructions he had been ravaging the enemy's country, and had "destroyed upwards of 1,000 villages." This barbarous system was unhappily employed, without scruple, by European commanders; and Clive especially, as a favourite measure, subsidised bands of Mahrattas for the express purpose of spreading devastation round the French settlements and encampments. Orme's work contains irrefragable testimony of the desolating hostilities of even Europeans, practised at the expense of the wretched peasantry, who beheld every art of a boasted civilisation employed in strife and bloodshed, and their fields not only ravaged by rival invaders with fire and the sword, but even the mounds reared with unwearied labour thrown down, and the waters let loose to destroy the cultivations previously irrigated with unavailing toil.

‖ *Life of Hastings*, i., 439.

of their countrymen, who, with their wives and children,* were driven forth to beg, steal, or starve. The Hindoo peasantry, who formed the mass of the population, were unfavourably affected by the change. It was at first attempted to show that they had experienced a great benefit by being delivered from the "grinding tyranny" of the Rohillas; but other and more trustworthy accounts, describe the case differently, and assert that these people, unlike their race in general, encouraged agriculture, while in another point they shared the Afghan characteristic—of freedom from any passion for the accumulation of wealth. The population over whom they had usurped sway, being left in the undisturbed possession of their religion and customs, were therefore probably better situated under the immediate sway of these independent chiefs, than beneath the delegated despotism of the Mogul emperors.† Their expulsion was, however, not quite complete; for one chief, Fyzoolla Khan, continued to resist the power of the usurper, and took post with the remains of the army on the skirts of the mountains near Pattir Ghur. After some ineffectual attempts to dislodge him, the vizier found his own troops becoming so discontented from arrears of pay, that he was glad to bring hostilities to a close, by entering into an agreement with Fyzoolla Khan, who agreed to surrender half the treasure which he had contrived to carry off, on condition of receiving a grant of Rampoor and certain dependent districts in Rohilcund, yielding a revenue of above £150,000 per annum.

This arrangement was, however, hurried to a conclusion more by a consideration of the failing health of the vizier, than even from the discontent of the troops. The cause of his rapid decline was ostensibly attributed to a cancerous disease; but the Mussulman historian of these times alludes to a current report—that it was the direct consequence of a wound inflicted by the hand of the daughter of Hafiz Rehmet, who, when the murderer of her father filled up the measure of his crimes by an attempt to dishonour her, stabbed him with a small dagger she had concealed for the purpose. The unhappy girl was immediately put to death; but the wound she had inflicted, though slight, proved mortal, the dagger having been previously poisoned by her mother. Such is the story told by Gholam Hussein and his translator. The former denies, the latter affirms, its truth, and adduces certain circumstances—such as the friendship of the author for the sons of Hafiz Rehmet, his alliance with the English, and other causes, for a desire to pass slightingly over so painful a matter.‡ This at least is certain,—that Shuja Dowla, immediately after the accomplishment of his much-desired object, the possession of Rohilcund, was seized by mortal sickness, while yet strong in the full energy of middle life; that he lingered through many months of intense bodily anguish, and then died, leaving his usurped dominions to a youth whose addiction to the most hateful forms of sensuality rendered him an object of general contempt.

The Rohilla war was the last transaction of importance which marked the career of Hastings as governor under the old system. Among the other measures of this epoch, was one of a quite unexceptionable character—the removal of a tax on marriage. He likewise exerted himself vigorously for the suppression of gangs of thieves and plunderers, who, under the name of *decoits*, committed terrible ravages in Bengal. Troops of *senassies*, or religious mendicants, (the pilgrim-gipsies of Hindoostan), did great mischief under the cloak of fanatical zeal. The truth was, that during the late season of anarchy, crime of all descriptions had been greatly augmented; and many who had first laid violent hands on food, at the instigation of ravening hunger, continued as a trade what they had yielded to as a momentary temptation. The measures adopted for suppressing gang-robbery were, however, of a character so flagrantly unjust, that no Christian governor could be justified in adopting, far less in initiating them. Each convicted criminal was to be executed in his native village, of which every member was to pay a fine according to his substance; and the family of the transgressor were to become slaves of the state, to be disposed of at the discretion of government. These iniquitous regulations were enacted, notwithstanding the avowed knowledge of the presidency, that the custom of selling slaves was alike repugnant to the doctrines of the Koran and the Shastras. Moreover, it was at this very time found necessary to take measures to check the kidnapping of chil-

* Stated by Colonel Champion at 100,000 souls.

† Hafiz Rehmet is said to have been "an excellent sovereign" (Heber, i., 434), and Fyzoolla Khan "a liberal landlord."—(*Report on Rohilcund* 1808.)

‡ *Siyar ul Mutakherin*, iii., 268.

dren, and carrying them out of the country in Dutch and French vessels,—a practice which "had greatly increased since the establishment of the English government."*

Hastings Governor-general.—The great change in the constitution of the Bengal presidency, decreed by the Regulating Act of 1772-'3, was unwelcome intelligence to the governor, who justly considered the actual, though ill-defined supremacy vested in the Calcutta presidency, with the high-sounding but empty title given to its head, poor compensation for having his movements fettered by four coadjutors, each one scarcely less powerful than himself. The erection of a Supreme Court of judicature, to be conducted by Englishmen after the national method, he knew to be an innovation likely to produce considerable dissatisfaction in the minds of the natives; and the result proved his surmise correct: but no small part of the blame attaches to the individuals of whom it was composed, their ignorance of the customs of the people they came to judge being aggravated by a haughty indifference to the deep-rooted and undeviating adherence to ceremonial observances and the rights of sex and caste, which form so prominent a feature in the manners of the whole native population, both Hindoo and Mohamedan. Hastings, indeed, consoled himself for the dangerous character of the new legal courts, because the chief justice, Sir Elijah Impey, his old schoolfellow at Westminster, was the best man that could have been chosen for the office "in all England."† Most authorities have formed a very different estimate of the same person; and Macaulay has not hesitated to declare, that "no other such judge has dishonoured the English ermine since Jefferies drank himself to death in the Tower."‡

Towards the new councillors—General Clavering, Colonel Monson, and Mr. (afterwards Sir Philip) Francis§—Hastings was not favourably disposed. They knew this, and came prepared to resent any semblance of disrespect. The occasion offered itself before they set foot in Calcutta: the salute from Fort William consisted of seventeen, instead of twenty-one, discharges; and the expected guard of honour did not await their landing. The governor-general understood the effect of these apparent trifles on the minds of the natives of all ranks, and had calculated the degree of respect absolutely necessary to be shown to his colleagues: so, at least, they reasoned; and within six days after their arrival in October, 1774, a struggle commenced, which rendered the council-chamber of Calcutta a scene of stormy debate for the space of four years.

Mr. Barwell, the fourth member nominated by the Regulating Act, was an experienced Indian official. He had not always been on good terms with Hastings; but he now steadily, though with little effect, adhered to him against the new-comers. Hastings himself possessed a remarkable degree of self-control,‖ and rarely suffered the violence of Clavering, the pertinacity of Monson—or, worse than all, the sharp tongue and ready pen of Francis—to drive him from the 'vantage ground of equanimity, or tempt him to lay aside the quiet tone of guarded cynicism, to which the eloquent enthusiasm of his earlier and purer life had long since given place.

The Benares treaty and the Rohilla war were the first subjects of discussion. On the plea of keeping faith with the political agent¶ placed by him at the court of Shuja Dowlah, Hastings refused to produce the correspondence; and this circumstance, combined with other manifestations of a desire to crush or evade inquiry into matters in which he was personally concerned, gave rise to many grave imputations on his character. The Rohilla war was deservedly denounced by the majority as a shameful expedient to raise money; but, unhappily, party feeling against Hastings alloyed their zeal, and ensured defeat by its own violence. In diplomacy, all three combined were no match for him, as they soon learned with bitter mortification. The clause in their instructions which directed examination to be made into past oppressions, was ample war-

* *Revenue Consultations* of April and May, 1774; and official letters from Bengal of this date, quoted in Auber's *British Power in India*, i., 432.

† *Life of Hastings*, i., 471.

‡ *Essay on Warren Hastings*, p. 50.

§ Pronounced very decidedly by Macaulay to be the author of the *Letters of Junius*.—(*Idem*, p. 30.) The strongest argument on the other side, is the steady denial of Francis himself, which he reiterated so late as 1817—that is, the year before his death, at the advanced age of eighty-eight.

‖ In the council-chamber at Calcutta hangs a portrait of Hastings, bearing the legend—"*Mens æqua in arduis*"; and no better comment need be desired to accompany the semblance of the pale face, slight frame, singularly developed brow, penetrating eye, and thin, firmly-closed lips of the man of whom it has been said, "hatred itself could deny no title to glory—*except virtue*."—(Macaulay's *Essay on Warren Hastings*, p. 92.)

¶ The Mr. Middleton mentioned under such suspicious circumstances in the next page.

rant for the inquiries instituted by them into various complaints urged by natives of rank against the governor.* No doubt, many of these were well-founded; for it is not likely that a person, so indifferent to the common rules of honesty and humanity in all matters of foreign policy, would be scrupulously just in his internal arrangements. But the most puzzling point in the quarrels of this epoch, is the repeated accusation brought against him of venality—urged with a degree of vehemence which may be illustrated by a single extract from the official records, in which the "gentlemen of the majority" (as Hastings sarcastically called them) complain, in plain terms, of the 'formidable combination of reciprocal interest" which he had established, "by accepting unwarrantable advantages himself, and conniving at those which were received by the company's servants."† To this heavy charge is added:—"In the late proceedings of the revenue board, there is no species of peculation from which the honourable governor-general has thought it right to abstain."‡

It has been before stated, that Hastings was not avaricious—far from it: he had neither taste nor talent for the accumulation of wealth, and appears to have habitually mismanaged his pecuniary affairs. For that very reason, the high salary attached to his office proved insufficient to cover his ill-regulated expenditure: and this circumstance may account for his having availed himself of means to recruit his own exchequer, closely resembling in character those simultaneously employed by him on behalf of the company.

Many specific accusations were urged against him. Among others, the extraordinary appointment of Munnee Begum as guardian to the nabob, was now distinctly stated to have been purchased by her in the first instance, and subsequently retained by bribery; and it was alleged in corroboration, that in the examination of her receipts and disbursements, a large sum remained unaccounted for. She was placed under restraint, and on being closely questioned as to the cause of the defalcation, she pleaded having given three lacs of rupees to the governor-general and his immediate retainer, Mr. Middleton.§ The receipt of this sum was not denied; but Hastings vindicated his own share in the transaction, by asserting that the lac-and-a-half taken by him had been used as "entertainment money," to cover the extraordinary outlay necessitated by his visit to Moorshedabad, over and above the charge of upwards of 30,000 rupees made by him on the Calcutta treasury for travelling expenses; together with a large additional sum for his companions and attendants.

This explanation is quite insufficient as regards the exaggerated scale of expenditure adopted by the governor-general during his absence from Calcutta; far less can it justify so large a deduction from the income of the nabob, immediately after his allowance had been cut down to the lowest point. The result of the investigation was the removal of Munnee Begum from office, and her supercession by Rajah Goordass, the son of Nuncomar, by whom the accusation of collusion between the begum and the governor had been preferred. The appointment was the act of the majority, conferred—not, of course, for the sake of Goordass, who was deemed incapable of doing much good or harm—but as a strong mark of the feelings entertained by them to his father; although, at this very time, as Hastings savagely declared, "the old gentleman was in gaol, and in a fair way to be hanged."‖

* Among these was the ranee of Burdwan, the relict of the late rajah, Tillook Chund, whose ancestors had governed their rightful heritage as a zemindaree during the whole period of Mohammedan rule. The ranee complained that she had been set aside from the government during the minority of her son, a boy of nine years old, to make room for a corrupt agent. Another accusation brought against Hastings was that of unduly favouring his native steward, named Cantoo Baboo (a former servant of Clive's), who had been not only allowed to farm lands to the value of £150,000 per annum, but also to hold two government contracts, one in his own name, and the other in that of his son, a boy of ten or twelve years of age, amounting to a still higher sum.—(Dr. Moodie's *Transactions in India*, p. 241.)

† The majority steadily refused even the customary presents or *nuzzurs* (of comparatively small value, offered by the natives of rank), as a dangerous practice; and commented severely on the reasons adduced by Hastings for receiving and paying them into the company's treasury, and by Barwell for receiving and retaining them.—(*Letter from Bengal*, October, 1774.)

‡ *Consultations of Bengal Council*, May, 1775.

§ Of the lac-and-a-half of rupees (which, by the existing standard, considerably exceeded £15,000 in value) no account was ever rendered, or defence set up, by Mr. Middleton.—(Mill's *India*, iii., 633.)

‖ The concentrated bitterness of this expression appears in a striking light when contrasted with the singular moderation of Hastings at the time of the trial of Mohammed Reza Khan, on the charges of wholesale plunder and sanguinary oppression. He then remarked on the little chance of capital punishment being inflicted, let the trial end how it would; giving as a reason—"On ne pend pas des gens qui ont un million dans leur poche."—(*Life*, i., 264.)

The means by which the most dangerous and deadly foe ever encountered by Hastings was dashed to the ground at the very moment when his hand was uplifted to strike, are of a nature which must ever leave some degree of uncertainty as to the degree of culpability attributable to the chief actors.*

The antecedent circumstances require to be rightly understood before any clear conception can be formed on a matter which created no ordinary degree of interest in the mind of the English public, and afforded to Burke a fitting theme for some of the most thrilling passages in his eloquent speeches, in the long subsequent impeachment of Hastings. It will be remembered that Nuncomar, previous to his appointment as naib-dewan to Meer Jaffier, had been detained at Calcutta by order of the directors, on the ground of being a dangerous intriguer, whose liberty might endanger the safety of the state; and this conclusion was arrived at mainly through evidence brought forward by Hastings, who conducted the examination, and was known to entertain a very unfavourable opinion of Nuncomar. At the period of the trial of Mohammed Reza Khan, the governor-general took great credit for the manner in which, notwithstanding his private feelings, he had entered freely into all the complaints brought forward by the Brahmin ex-dewan against his Mussulman successor. He even showed Nuncomar considerable personal attention until the termination of the affair, when the accusations not being established, were pronounced malicious and libellous. Nuncomar felt that he had been used as a mere tool; and, stung to the soul by the disgrace in which his ambitious schemes had terminated, he retired into temporary obscurity, and eagerly waited an opportunity of revenge.

The dissensions which took place in the council, speedily afforded the desired opportunity; and just four months after the establishment of the new government, Nuncomar presented a memorial to the council, which contained a formal statement of bribes, to a great extent, received by the governor-general from Mohammed Reza Khan, as the price of bringing the inquiry into his conduct to a favourable termination. Francis read the paper aloud: a stormy altercation followed. Hastings, for once, lost all temper; called his accuser the basest of mankind; indignantly denied the right of the councillors to sit in judgment on their superior; and, upon the request of Nuncomar to be heard in person being granted by the majority, he left the room, followed by Barwell. General Clavering took the vacant chair,—Nuncomar was called in, and, in addition to the previous charges, he alleged that two crore and a-half of rupees had been paid by Munnee Begum to Hastings, and that he had himself purchased his son's appointment, as her colleague in office, with another crore.

Hastings felt the ground giving way beneath his feet. The arrangement (to use the most lenient epithet) between him and Munnee Begum, regarding the "entertainment money," would, if other testimony were wanting, suffice to prove that he had not scrupled to obtain, in a more or less surreptitious manner, large sums in addition to the regular salary (£25,000 per annum), and allowances attached to his position of governor-general. The probability was a strong one, that the various and specific charges which the vindictive Brahmin was prepared to maintain at the hazard of his life, would contain at least sufficient truth to enable the adversaries of Hastings to triumph over him, by the ruin of the reputation he had, from early youth, spent laborious days and anxious nights in acquiring. To lose this was to lose all: he had no extraneous influence with the crown, the ministers, in parliament, or even with the company, sufficient to prop up his claims to the high position which credit for personal disinterestedness, still more than for great and varied talents, had obtained for him. With a mind depressed by gloomy apprehension, he prepared for the worst; and, to avoid the last disgrace of dismissal, placed in the hands of two confidential agents† in London his formal resignation, to be tendered to the directors in the event of a crisis arriving which should render this humiliating step of evident expediency. Meanwhile he met his foes with his usual undaunted mien, and carried the war into the enemy's country, by instituting proceedings in the Supreme Court against Nuncomar and two kinsmen, named Fowke, in

* One of the most moderate and unprejudiced authorities on this subject truly remarks, that "opinions may, indeed, differ as to the extent of Hastings' culpability; but he must be a warm partisan, indeed, who will go to the length of declaring that the hands of the governor-general were altogether clean."—(Thornton's *British India*, ii., 71.)

† Col. Macleane and Mr. Graham.

the company's service, for an alleged conspiracy to force a native, named Camul-oodeen, to write a petition reflecting falsely and injuriously on himself and certain of his adherents, including his banyan Cantoo Baboo, on whom he was known to have conferred undue privileges. Clavering, Monson, and Francis, after hearing the evidence adduced at an examination before the judges, placed on record their conviction that the charge was a fabrication, and had no foundation whatever in truth. Within a few days from this time a more serious offence was alleged against Nuncomar—he was arrested on a charge of forging a bond five years before, and thrown into the common gaol. The ostensible prosecutor was a native of inconsiderable station; but Hastings was then, and is still, considered to have been the real mover in the business. The majority manifested their convictions in the most conspicuous manner: they dispatched urgent and repeated messages to the judges, demanding that Nuncomar should be held to bail; but to no purpose. The assizes commenced; a true bill was found; Nuncomar was brought before Sir Elijah Impey, and after a protracted examination, involving much contradictory swearing, was pronounced guilty by a jury of Englishmen, and condemned to death.

The animus of the whole affair could not be mistaken: all classes were infected by a fever of excitement; and Clavering, it is said, swore that Nuncomar should be rescued, even at the foot of the gallows. Impey behaved throughout the trial with overbearing violence, and not only refused to grant a reprieve until the pleasure of the home authorities should be known, but even censured the counsel of Nuncomar, in open court, for his laudable attempt to prevail on the foreman of the jury to join in recommending his client to mercy.* Hastings, who might, had he chosen, have set his character in the fairest light by procuring the respite of his accuser, remained perfectly quiescent, and thereby confirmed the general conviction that he dared not encounter the charges of Nuncomar.

The sufficiency of the evidence by which the act of forgery was established, is a question of secondary importance when compared with the palpable injustice of inflicting capital punishment for a venial offence on a person over whom the judges had but a very questionable claim to exercise any jurisdiction at all.† Forgery in India was the very easiest and commonest description of swindling—a practice which it was as needful, and quite as difficult, for men of business to be on their guard against in every-day life, as for a lounger in the street of London to take care of the handkerchief in his great-coat pocket. The English law, which made it a capital offence, was just one of those the introduction of which into Bengal would have been most vehemently deprecated by Hastings, had he not been personally interested in its enforcement. The natives, both Mussulman and Hindoo, were astounded at the unprecedented severity of the sentence; many of them, doubtless, remembered the notorious forgery of Clive, and the fate of Omichund: and now an aged man, a Brahmin of high caste, was sentenced to a public and terrible doom for an act, a little more selfish in its immediate motive, but certainly far less dreadful in its effects. The offence which had not barred an Englishman's path to a peerage, was now to doom a Hindoo to the gallows. And yet not so; the ostensible reason deceived no one; and even the warmest partisans of Hastings could not but view Nuncomar rather as the determined opponent of the governor-general, about to pay with life the forfeit of defeat, than as a common felon, condemned to die for a petty crime. The Mussulmans were mostly disposed to view with exultation the fate of the inveterate foe of Mohammed Reza Khan; but the Hindoos waited in an agony of shame and doubt the dawn of the day which was to witness the

* Thornton's *British India*, ii., 84. Burke publicly accused Hastings of having "murdered Nuncomar, through the hands of Impey." Macaulay views the matter more leniently as regards Hastings; but deems the main point at issue quite clear to everyone, "idiots and biographers excepted," and considers any lingering doubt on the subject quite set aside by the strong language in which Impey was subsequently described by Hastings as the man "to whose support I was at one time indebted for the safety of my fortune, honor, and reputation."—(ii., 255.) But this evidence is not unexceptionable, since it is very possible that these words referred to the important decision of the judges, at a subsequent crisis in the career of Hastings, when his resignation was declared invalid, and Clavering reluctantly compelled to relinquish his claim to the position of governor-general.

† Inasmuch as Nuncomar was not a voluntary inhabitant of Calcutta at the time when the offence was said to have been committed, but a prisoner brought and detained there by constraint, under the circumstances referred to in the preceding page

ignominious end of a Brahmin who, by their laws, could, for the darkest crime ever pictured by the imagination of man, only be punished with loss of caste. The fatal morning of the 5th of August arrived, and Nuncomar stepped into his palanquin with the dignified serenity so often displayed by his countrymen when brought face to face with a violent death, and was borne through countless multitudes, who beheld the melancholy procession with an amazement which swallowed up every other feeling. Calmly mounting the scaffold, the old man sent a last message to the three councillors who would, he knew, have saved him if possible, commending to their care his son, Rajah Goordass. He then gave the signal to the executioner. The drop fell, and a loud and terrible cry arose from the assembled populace, which immediately dispersed—hundreds of Hindoos rushing from the polluted spot to cleanse themselves in the sacred waters of the Hooghly.

The majority in council, thus publicly defeated, sympathised deeply with the fate of this victim to political strife; and the older English officials could not but remember for how many years Nuncomar had played a part, of selfish intrigue it is true, but still an important and conspicuous part in Anglo-Indian history; for his co-operation had been gained at a time when governors and members of council, then mere commercial factors, paid assiduous homage to native functionaries.* The feelings of Hastings may be conjectured from an expression which escaped him many years later, that he had never been the personal enemy of any man but Nuncomar,† "whom from my soul I detested even when I was compelled to countenance him." $ He likewise foresaw the effect the fate of his fallen foe would produce in the minds of the natives. To contest with a fortunate man, was, in their sight, specially in that of the Mohammedan population, like fighting against God himself—as futile, and, in some sort, as impious. As to the power of the majority in council, its prestige was gone for ever; although, how the right of making war and peace, levying taxes, and nominating officials, came to be vested in one set of men, and the exclusive irresponsible infliction of capital punishments in another, was a question quite beyond the comprehension of the Bengalees. The governor-general felt relieved from the danger of any more native appeals, pecuniary or otherwise;‡ and whilst the air was yet filled with weeping and lamentation, he sat down to write a long and critical letter to Dr. Johnson about the *Tour to the Hebrides*, Jones' *Persian Grammar*, and the history, tradition, arts, and natural productions of India. From this time he renounced all idea of resigning his position, and repeatedly declared, in both official and private communications, that nothing short of death or recall should hinder him from seeing the result of the struggle with his colleagues. That result may be told in his own words—"his adversaries sickened, died, and fled,"§ leaving him in obscurity.

* Nuncomar was governor of Hooghly in 1756. He was induced by the English to take part with them against his master, Surajah Dowlah, whose orders of affording aid to the French when besieged in Chandernagore he disobeyed, to serve his secret allies, to whom on several occasions he rendered considerable service, and in so doing incurred the suspicions of the nabob, and was dismissed from office. His subsequent career has been shown in previous pages; its termination adds another name to the list of remarkable deaths which awaited the chief actors in the conspiracy that was carried into execution on the field of Plassy. At the division of spoil which took place in the house of the Seit brothers, nine persons were present. Of these, three (the Seits and Roy-dullub) were murdered by Meer Cossim Ali; the fourth (Clive) died by his own hand; the fifth (Meeran) perished by lightning; the sixth (Scrafton) was lost at sea; the seventh (Omichund) died an idiot; the eighth (Meer Jaffier) went to his grave groaning under every suffering which pecuniary difficulties, domestic sorrows, and bodily diseases, resulting from debauchery, could inflict. Of the death of Mr. Watts I have seen no record. Gassitee Begum, and several confederates not present on the occasion above referred to, were put to death at various times. Meer Cossim himself died poor and

† *Life*, iii., 338. This speech needs qualification; for Hastings, on his own showing, entertained for Francis, Clavering, and many minor functionaries, a feeling for which it would be difficult to find any other name than personal enmity. One gentleman, appointed by the majority to supersede a favourite nominee of his own as resident at Oude, he speaks of as "that wretch Bristowe;" and entreats his old friend Mr. Sulivan (the ancient opponent of Clive, and the chairman of the Court of Directors) to rid him "from so unworthy an antagonist," declaring that he would not employ him, though his life itself should be the forfeit of refusal.—(ii., 336.)

$ See Appendix for modern opinions about Rajah Nuncomar's trial.

‡ Francis, when examined before parliament in 1788, declared, that the effect of the execution of Nuncomar, defeated the inquiries entered into regarding the conduct of Hastings; "that it impressed a general terror on the natives with respect to preferring accusations against men in great power;" and that he and his coadjutors were unwilling to expose them to what appeared to him and his fellow-councillors, as well as to the Bengalees, a manifest danger.—(Mill, iii., 641.)

§ *Life of Hastings*, iii., 305.

the undisputed master of the field. The first to fall was Colonel Monson, who, after two months' sickness, fell a victim to the depressing influence of climate, and the wear and tear of faction. The casting vote of Hastings, joined to the undeviating support of Barwell, restored his complete ascendancy in council, which he exercised by reversing all the measures of his adversaries, displacing their nominees to make way for officials of his own appointment, and by reverting to his previous plans of conquest and dominion, of which the leading principle was the formation of subsidiary alliances with the native princes, especially of Oude and Berar, —a policy which, in skilful hands would, he foresaw, act as a powerful lever wherewith to raise England to a position of paramount authority in India. But once again his ambitious career was destined to receive a severe though temporary check. The accounts sent home by the Clavering party, furnished both the Government and the directors of the E. I. Cy. with strong arguments for his immediate recall. With the proprietors he had been, and always continued to be, a special favourite, and they vehemently opposed the measure. Still there seemed so little chance of his continuance in office, save for a limited time, and on the most precarious and unsatisfactory tenure, that his agents and friends, after much discussion, thought themselves warranted in endeavouring to effect a compromise, by tendering his voluntary resignation in return for a private guarantee on the part of government for certain honours and advantages not clearly stated. The resignation was proffered and accepted, but it appears that the conditions annexed to it were not fulfilled; for the negotiators sent Hastings word, by the same ship that brought an order for the occupation of the chair by General Clavering (pending the arrival of the newly-appointed governor-general, Mr. Wheler), that they hoped he would not abide by the pledge given on his behalf, since the stipulations made at the same time had been already flagrantly violated.*

On receipt of this varied intelligence, Hastings was, or affected to be, at a loss how to act; but the violence of General Clavering in attempting forcible assumption of the reins of government, afforded him an inducement or a pretext to repudiate the proceedings of his representatives in London, and declare that his instructions had been mistaken; that he had not, and would not resign. Clavering insisted that the resignation which had been tendered and accepted in England, could not be revoked in India: he therefore proceeded, with the support of Francis, to take the oaths of office, issue proclamations as governor-general, hold a council, and formally demand the surrender of the keys of the fort and the treasury. But Hastings had, the advantage of that possession which an old adage pronounces to be "nine-tenths of the law:" he warned the officers of the garrison at Fort William, and of all the neighbouring stations, to obey no orders but his at their peril, and altogether assumed so daring an attitude, that his adversaries shrank from the alternative of civil war, and consented to abide by the decision of the judges. The notorious partiality of the chief justice left little doubt of the issue; but apart from any such bias, the decree was sufficiently well-grounded. The right of Clavering rested on the resignation of Hastings, and Hastings would not resign. In such a case the most reasonable course was to let things remain as they were, pending the decision of the home authorities. The defeated party, and especially Francis, behaved with unexpected moderation; but the victor, not contented with his triumph, strove to prevent Clavering from reassuming his place in the council, on the ground that it had been formally vacated, and could not be reoccupied except with the combined sanction of the ministers and directors. This absurd proposition Hastings maintained with all the special pleading of which he was an unrivalled master; but the judges could not, for very shame, support him, and Clavering was suffered to resume his former position. These proceedings occurred in June, 1777. They had a most injurious effect on the health of the high-principled but hasty-tempered general; so much so, that Hastings'

* *See* Letters of Macleane and Stewart.—(*Life*, ii., 95.) The "gross breach" of agreement so loudly complained of, was the investment of General Clavering with the order of the Bath. This same "red ribbon" created as much spleen and envy among the English functionaries, as the privilege of carrying a fish on their banners did among the ancient Mogul nobility; and a strange evidence of the consequence, attributed to the intriguing nabob of Arcot at the English court, was afforded by the knightly insignia being sent to him, with authority to invest therewith General Coote, and the royal ambassador, Sir John Lindsay.—(Auber's *India*, i., 306.) The greatest wonder is, that the honest and plain-spoken general did not flatly refuse to receive the honour by the hand of one he so thoroughly despised.

prophecy that he would soon die of vexation, was realised in the following August.* Mr. Wheler, on his arrival in November, was compelled to content himself with the rank of councillor, instead of the high office he had expected to fill. National difficulties fast following one another, engaged the whole attention of English politicians; and war with America, conjoined to the hostility of France, Spain, and Holland, with the armed neutrality of the Baltic, and growing discontent in Ireland, left the ministry† little inclination to begin reforms in India, which must commence with the removal of a man whose experience, energy, and self-reliance might be depended upon in the most perilous emergency for the defence of British interests in India; although, in less critical times, his aggressive policy necessitated an amount of counter-action quite inconsistent with the unchecked authority he so ardently desired to obtain, and which, for many reasons, it seemed advisable to vest in the governor-general. These considerations procured for Hastings a temporary confirmation in office after the expiration of the term originally fixed by the Regulating Act. In 1779, a new parliamentary decree announced that the £1,400,000 borrowed of the public, having been repaid by the company, and their bond-debt reduced to £1,500,000, they were authorised to declare a dividend of eight per cent. The raising of the dividend seems to have been an ill-omened measure; for once again it was followed by an increase of pecuniary distress, which not even the inventive brain and strong arm of the governor-general could find means to dissipate, although the departure of Francis freed him from the restraining presence of a severe and prejudiced, though public-spirited censor. Before their final separation, a partial and temporary reconciliation took place, effected under peculiar circumstances, through the mediation of Mr. Barwell, who, having amassed an ample fortune, returned to enjoy it in England in 1780. Unanimity in the council was indeed of the first necessity to meet a great and instant danger—namely, the alarming excitement occasioned among the native population by the persevering attempts of the Supreme Court to extend its jurisdiction over the whole of the company's territory, and to exert a controlling power even over the council itself. Macaulay has drawn a picture of this period in language too vivid and graphic to be condensed, and which has a peculiar value as proceeding from the pen of one who himself filled the position of councillor in the Bengal presidency, in an expressly legal capacity. In enumerating the evils attending the new tribunal, he states that it had "collected round itself,"—

"A banditti of bailiffs' followers compared with whom the retainers of the worst English spunging-house, in the worst times, might be considered as upright and tender-hearted. Many natives highly considered among their countrymen were seized, hurried up to Calcutta, flung into the common gaol, not for any crime even suspected, not for any debt that had been proved, but merely as a precaution till their cause should come to trial. There were instances in which men of the most venerable dignity, persecuted without a cause by extortioners, died of rage and shame in the gripe of the vile alguazils of Impey. The harems of noble Mohammedans, sanctuaries respected in the east by governments which respected nothing else, were burst open by gangs of bailiffs. The Mussulmans, braver, and less accustomed to submission than the Hindoos, sometimes stood on their defence; and there were instances in which they shed their blood in the doorway while defending, sword in hand; the sacred apartments of their women. Nay, it seemed as if the faint-hearted Bengalee, who had crouched at the feet of Surajah Dowlah—who had been mute during the administration of Vansittart, would at length find courage in despair. No Mahratta invasion had ever spread through the province such dismay as this inroad of English lawyers. All the injustice of former oppressors, Asiatic and European, appeared as a blessing when compared with the justice of a Supreme Court." * * * "The lapse of sixty years, the virtue and wisdom of many eminent magistrates who have during that time administered justice in the Supreme Court, have not effaced from the minds of the people of Bengal the recollection of those evil days."—(*Essay*, p. 49.)

The power of the Supreme Court continued to increase, until it seemed as if every other function of government would be swept away in the vortex created by its ever-growing circles. Not satisfied with treating with the utmost contempt the magistrates and judges of the highest respectability in the country, the "black agents," as the chief justice con-

* It was about this period that the news of the much-desired divorce arrived, which enabled the Baroness Imhoff to become Mrs. Hastings. The Mussulman chronicler, in relating the splendid festivities with which the marriage was celebrated, asserts that the governor-general, vexed at the absence of Clavering, went himself to his house, and at length brought him in triumph to pay homage to the bride. The fatigue and excitement, perhaps, accelerated a crisis, for the general died a few days later.—(*Siyar ul Mutakherin*, ii., 477.)

† The dissolution of the Rockingham ministry, by the sudden death of its chief, in 1782, was one of the circumstances which prevented Hastings' recall.

temptuously termed them,* he at length fairly ventured upon a distinct assumption of dominant authority in Bengal, by summoning the governor-general and council individually to defend themselves against a suit for trespass committed by them in their official capacity. Hastings could bear much from his "respectable friend, Sir Elijah Impey;" but there were limits even to his tolerance; and Francis, who had long vehemently remonstrated against the tyranny of the Supreme Court, willingly shared the responsibility of releasing various persons wrongfully imprisoned by the judges, and of preparing to resist the outrageous proceedings of the sheriff's officers, if necessary, by the sword. But before matters had proceeded to the last extremity, a compromise was effected between the governor-general and chief justice, by means of an offer which the former had clearly no right to make, and the latter no shadow of excuse for accepting. It will be remembered, that before the Regulating Act came into operation in India, a court of appeal had been projected, under the title of *Sudder Dewannee Adawlut*, to consist of the governor-general and council in person; but this arrangement had not been carried out, because the intended members feared to find their decisions set aside by the overweening authority assumed by the "king's judges," as the officers of the Supreme Court delighted to style themselves, in contradistinction to the company's servants. It was precisely this independence (in itself so just and necessary, though misused in unworthy and indiscreet hands) that Hastings desired to destroy; and he did so, for the time at least, most effectually, by offering Impey, in addition to the office already held by him, that of chief justice of the Sudder Dewannee Adawlut, with a salary and fixed emoluments amounting to nearly £8,000 a-year, to be held during the pleasure of the governor-general and council. Francis and Wheler united in opposing this arrangement, and stated, in plain terms, that the idea of establishing peace upon the ground of adverse claims still unrelaxed, and which nothing even appeared to reconcile but the lucrative office given to the chief justice, could be maintained only upon suppositions highly dishonourable to the public justice and to the executive administration of Bengal. This view of the case was perfectly just. Even as far as the rival functionaries (executive and judicial) were concerned, it could produce only a temporary pacification, while its worst effect was—as a parliamentary committee afterwards affirmed—that it gave the governor-general an ascendancy by which he was "enabled to do things, under the name and appearance of a legal court, which he would not presume to do in his own person."† The measure was carried by Hastings and Coote,‡ in defiance of Francis and Wheler; and the chief justice entered on his double functions, and the receipt of his double salary, with much alacrity, but considerably diminished arrogance, and continued to give undeviating allegiance to his patron, until news arrived of an act of parliament, passed in 1782, for the limitation of the powers of the Supreme Court of judicature; accompanied by the recall of Impey, to answer before the House of Commons the charge of having "accepted an office not agreeable to the true intent and meaning of the act 13 Geo. III."

The ascendancy of Hastings afforded some relief to the natives against wanton outrage, and the subsequent restraint laid on Anglo-Indian jurisdiction, contributed to their further relief. But the terrible prestige given by the unwarrantable proceedings of these times could not easily pass away. Moreover, even when its first terrors had been set aside, the labyrinth of innumerable and inexplicable forms, aggravated by the difficulties of a foreign language, in which a native found himself surrounded when brought within the mysterious circle of an English court of law, was calculated to deepen rather than remove the prejudices of persons who might be impelled by suffering to seek relief from present injury or redress for past wrongs, by a course of litigation which experience could scarcely fail to prove so tardy and expensive in its progress, as frequently to neutralise the benefit of an upright and unprejudiced decision. I can speak from personal experience of the fear entertained, by both Mussulmans and Hindoos, of being by any hook or handle involved in the harassing intricacies of a lawsuit; and even to the present day, many natives from the interior habitually fix their abodes on the safe side of the Mahratta ditch—the boundary of chancery and other civil branches of the Supreme Court.

The uncompromising opposition of Francis

* Letter of Impey to Lord Weymouth.—(Mill.)
† Report of Committee, 1781.
‡ Sir E. Coote, who had taken the place of Barwell, seconded Hastings, though with doubt and hesitation.

to the scheme of Hastings, together with differences on points of foreign policy, terminated in the renewal, and even increase, of former ill-feeling. The governor-general recorded, in an official minute, his disbelief in the "promises of candour" made by his opponent, and declared his public, like his private conduct, "void of truth and honour." Francis, whose health and spirits had been for some time visibly failing, and who, in the words of his opponent, had lost all self-control, and needed to be dealt with like "a passionate woman,"* could ill bear this unmerited taunt. After the council had risen, he placed a challenge in the hands of Hastings. It had been expected, and was immediately accepted. The example had been previously given by General Clavering (the commander-in-chief) and Mr. Barwell; and now the governor-general of India and the senior councillor, with remarkable disregard for the interests of their employers at a very critical period (not to speak of higher principles, which were quite out of the question), proceeded to edify an assemblage of women and children, by fighting a duel, as the Mussulman chronicler has it, "according to the established custom of the nation."† At the first exchange of shots, Francis fell, severely but not mortally wounded. He recovered slowly, and resumed his seat at the council board; until, wearied with the unequal contest, he threw up his position and returned to England at the close of 1782, leaving to Hastings the undisputed supremacy. Wheler had gradually been relaxing in his opposition. After the departure of his unbending colleague, he sided almost invariably with the governor-general, who spared no efforts to conciliate him by every possible means, especially by "providing handsomely for all his friends."‡ Yet, however great the triumph of Hastings, and undisguised delight at the successful termination of a six years' conflict, abundant cause for anxiety remained, on every side, to lower the exulting tone he might have otherwise assumed. The ministers of the crown and the directors of the company suffered his retention of the highest office in India simply as a measure of temporary expediency; and even his staunch friends, the proprietors, failed not to give occasional and qualified censure to the unscrupulous deeds of the man on whose abilities and experience they relied for the fulfilment of those financial expectations which he had made it his great object to realise. But the very uncertainty of his position tended to encourage his innate propensity for temporising measures, and induced him to purchase golden opinions from his fellow-officials by conniving at innumerable illicit proceedings, for the interest of individuals, to the manifest injury of the revenues of the company and the prosperity of the provinces. Reforms are generally most unpopular where most needed; and Hastings, after forming plans for a large reduction of expenditure, set them aside until, as he remarked, he should be more certain of his own fate; "for I will not," he adds, "create enemies in order to ease the burdens of my successors."§ This very natural feeling, though somewhat inconsistent with the excessive zeal expressed by the writer for the pecuniary interests of the company, is quite in accordance with the unscrupulous manner in which he dealt with native princes—treating their rights and claims as valid or invalid, as substantial or mere empty-seeming, just as it suited his immediate object.‖ Such habitual double-dealing, however convenient the weapons it might afford for an immediate emergency, could not fail to render his publicly-recorded opinions a tissue of the most flagrant contradictions; and it tended materially to produce the evils which he endeavoured to prove had resulted solely from the opposition made to his measures by the ex-majority. Those evils are thus enumerated by his own pen:—"An exhausted treasury; an accumulating debt; a system charged with expensive establishments, and precluded, by the multitude of dependents and the curse of patron-

* *Life of Hastings*, ii., 384.

† *Syar ul Mutakherin*, ii., 518.

‡ Wheler's support was not, however, quite undeviating; and his despotic chief complained of his attachment to "the lees of Mr. Francis, and his practice of *a strange policy* of hearing whatever any man has to say, and especially against public measures."—(*Life of Hastings*, ii., 384.)

§ *Idem*, iii., 31.

‖ He himself acknowledged how little he allowed an "expression dictated by the impulse of present emergency," to impose upon him "the obligation of a fixed principle." And one of his ablest and not least partial advocates, in the present day, admits that his determination to hold "his post and his purposes" in defiance of the directors, led him "to devise arguments and assign motives intended to meet the exigency of the moment, and, therefore, sometimes as much at variance with themselves as were the arguments of those by whom he was so vehemently and invariably opposed."—(Professor Wilson's Note on Mill's *India*, iv., 30.)

age, from reformation; a government debilitated by the various habits of inveterate licentiousness; a country oppressed by private rapacity, and deprived of its vital resources by the enormous quantities of current specie annually exported in the remittance of private fortunes, in supplies sent to China, Fort St. George, to Bombay, and lately to the army at Surat, and by an impoverished commerce; the support of Bombay, with all its new conquests; the charge of preserving Fort St. George, and recovering the Carnatic from the hands of a victorious enemy; the entire maintenance of both presidencies; and lastly, a war, either actual or depending, in every quarter and with every power of Hindostan."*

Before proceeding to describe the manner in which Hastings, now alone at the helm, steered his way through this troubled sea of dangers and difficulties, and likewise through personal trials of his own seeking, it is necessary to narrate, as briefly as possible, the leading events which, since his promotion to the station of governor-general in 1772, had taken place in the minor or sister presidencies of Bombay and Madras.

BOMBAY, 1772 TO 1780.—The possession of the little island of Salsette and the fort of Bassein had long been earnestly coveted by the E. I. Cy., and in 1768, they strongly urged on their Indian representatives the additional security to Bombay to be derived from the annexation of these places; which, however, they desired to see effected "rather by purchase than war." Under the strong government of Madhoo Rao, the latter experiment would have been sufficiently hazardous; and the result of negotiations opened in 1772, clearly proved the small chance that existed of a voluntary surrender of territories no less valued by the one party than desired by the other. The death of the Mahratta peishwa produced dissensions in the state which, by destroying unity of interest even in Poona itself, offered to the English a prospect of obtaining, in the character of mediators or partisans, the concessions vainly sought for by more legitimate means. Madhoo Rao, always patriotic and unselfish, had diligently striven to avert the calamities by which his early death was likely to be attended. Perceiving his end approaching, he caused his uncle Ragoba to be released from confinement, and in the most affecting and impressive manner entreated him to guard and guide the person and counsels of his brother and successor Narain Rao, a youth of seventeen. Ragoba appeared kindly disposed to the nephew thus committed to his charge, and the new peishwa was formally invested by the pageant-rajah with the insignia of office. But before long, dissensions arose between the chief ministers of Narain (Sukaram Bappoo, Nana Furnuvees, and others, appointed by Madhoo Rao) and Ragoba, the result of which was his confinement to certain apartments in the palace. While smarting under the check thus given to his ill-regulated ambition, Ragoba, stimulated by the evil counsels of his tale-bearing wife, Anundee Bye, was induced to gratify the jealous hatred entertained by her against Gopika Bye, the mother of Madhoo and Narain, by giving a written sanction for the seizure of the young peishwa, which she wickedly converted into an order for his assassination, by changing the word *dhurawè* (to seize) into *marawè* (to kill.) A domestic, who had been publicly flogged by order of the destined victim, was a chief mover in the plot, which was carried out by working on the discontent of a body of unpaid infantry. They had been extremely turbulent during the afternoon of the 30th of August, 1773, and in the night the ringleader, Somer Sing, entered the palace by an unfinished doorway newly opened to make an entrance distinct from that of the portion inhabited by Ragoba. Narain Rao, on starting from sleep, fled, pursued by Somer Sing, to his uncle's apartments, and flung himself into his arms for protection. Ragoba interfered, but Somer Singh exclaimed—"I have not gone so far to ensure my own destruction; let him go, or you shall die with him." Ragoba was too deeply compromised to give way to remorse: he disengaged himself from the grasp of his nephew, and got out on the terrace. Narain Rao strove to follow him, but was seized by the leg and flung to the ground by the vengeful servant before named. At this moment one of the personal attendants of the peishwa entered, unarmed, and flew to his rescue; but his fidelity cost him his life, for both master and servant were despatched by the swords of the assassins.† The unfortunate Narain Rao appears to have manifested a degree of indecision and timidity, on this trying occasion, remarkable in one of his caste and nation; but these failings were probably not radical defects, but rather incidental

* *Life of Hastings*, ii., 329.

† Grant Duff's *Mahrattas*, ii., 249.

to an unformed character.* A searching investigation was instituted into the affair by Ram Shastree, the celebrated judge, whose integrity and ability had reflected so much honour on the administration of his beloved disciple Madhoo Rao. To him Ragoba confessed his partial participation in the crime, and asked what atonement he could make. "The sacrifice of your own life," replied the uncompromising judge; "for neither you nor your government can prosper; and, for my own part, I will neither accept of employment, nor enter Poona whilst you preside there."† He kept his word, and retired to a sequestered village, from whence he witnessed the fulfilment of his prediction; for Ragoba's "ill-luck" became proverbial, and communicated itself, in a greater or less degree, to every enterprise in which he was concerned. At the onset, the total absence of a rival claimant enabled him to obtain, without difficulty, the confirmation of the rajah of Satara to his assumption of the rank of peishwa; but his title was subsequently rendered invalid by the posthumous birth of a son, the rightful heir to Narain Rao. Considerable doubt was thrown upon the legitimacy of the child by the means adopted by the ministers (Nana Furnavees, Sukaram Bappoo, and others), to provide a male substitute, in the event of their influence being endangered by the birth of a girl; but, as the case happened, the manœuvre only served to endanger their own cause, and afford Ragoba a pretext for resisting the claims of the son of his murdered nephew, who was proclaimed peishwa when only forty days old. The English authorities appear to have been quite misled by the representations which accompanied his appeal for their assistance; and even when compelled to recognise the utter futility of attempting to establish his supremacy in defiance of the general feeling of the Mahratta nation, they seem never to have rightly understood the nature of his claims, or the basis on which they rested. The cession of Bassein and Salsette, with the payment of a large sum of money, formed the leading stipulations on the part of the Bombay authorities; but as Ragoba was very unwilling to consent to any sacrifice of territory, they took advantage of the plea afforded by an inclination manifested by the Portuguese to regain their ancient possessions, to forcibly occupy them with British troops, protesting, nevertheless, that they held them only on behalf of Ragoba, until he should himself settle the arrangements of the pending treaty. The part taken by Scindia and Holcar, in siding with the ministers, left him no choice but to comply with the demands of the English; and, in return for his concessions,‡ 2,500 men were landed at Cambay, under Colonel Keating, in the early part of the year 1775, to aid his own mob-like assemblage of about 20,000 men. The campaign was successful, though attended with considerable loss of life;§ but preparations for the renewal of hostilities, at the close of the monsoon, were suddenly arrested by the interference of the Bengal presidency. The Bombay authorities were sharply reprimanded for disregarding the recent regu-

* Madhoo Rao, whose generous nature rose superior to the unworthy considerations which induced the Mogul emperors to treat their near relatives as dangerous rivals, and confine them from infancy to state prisons, delighted in cherishing and drawing public attention to the good qualities of his intended successor. The Mahrattas relate, that the brothers were witnessing an elephant-fight from a small hill in the environs of Poona, when one of the animals becoming excited, rushed furiously towards the spot where they were seated. The companions and attendants of the peishwa, forgetting all courtly etiquette, took to their heels, and Narain jumped up to run off with the rest. "Brother," said Madhoo Rao, "what will the ukbars [*native newspapers*] say of you?" The boy instantly resumed his seat, and retained it until the danger, which became imminent, had been averted by the bravery of a bystander, who, drawing his dagger, sprang in front of the peishwa and turned the animal aside by wounding it in the trunk.—(Duff's *Mahrattas*, ii., 251.)

† *History of Mahrattas*, ii., 249. An interesting feature in the intercourse of Madhoo Rao and Ram Shastree, is related by Duff. The peishwa devoted himself, at one period, to the practice of "Jhep" or religious meditation, to a degree which interfered with his public duties. Ram Shastree told him, that if he were inclined to revert to the condition of devout and austere poverty, which by the Hindoo doctrine was the especial duty of a Brahmin, he would gladly do the same; but if, on the contrary, Madhoo intended to follow the example of his predecessors, and retain the position of an earthly potentate, the duties incumbent on the assumed office ought to be his first consideration. "The musnud, or a life of self-denial in the holy city of Benares—which you will," said the honest Mentor; "I will abide with you in either station." Happy for Maharashtra, Madhoo Rao remained its ruler, and Ram Shastree its leading judge,—an unimpeachable one, for he had no thirst for power, and all his habits were consistent with his characteristic rule—to keep nothing more in his house than sufficed for the day's consumption.

‡ Ragoba, or Rugonath Rao, having no other funds, deposited with the company, jewels valued at upwards of six lacs. These gems were, about twenty-eight years later, freely presented to Bajee Rao on his restoration to the office of peishwa, in 1813.

§ In the small detachment of Colonel Keating, 222 persons perished, including eleven officers.

lations, which placed the control in matters of foreign policy in the hands of the governor-general and the supreme council; and, besides being blamed for insubordination, they were informed that an envoy (Colonel Upton) would be sent direct from Bengal to conclude a treaty of peace. This latter proceeding could not fail to irritate the Bombay officials, and to lower their authority, and, indeed, that of the English in general, in the eyes of the Mahratta ministers, than whom no men living were better able to appreciate the weakness arising from divided counsels. The consequence was, that after a negotiation conducted, on the part of the Mahrattas, with more than characteristic procrastination, Nana Furnavees and the ministers of the infant peishwa, concluded a treaty at Poorunder, by which Colonel Upton promised that the English should relinquish the cause of Ragoba, and guarantee the disbandment of his army on certain stipulations quite contrary to the views of that individual. Of Salsette Island they were to retain possession, but to relinquish certain cessions in Guzerat, made by the Mahratta chief Futteh Sing Guicowar. No sooner had this humiliating agreement been entered into than the home despatches arrived, highly applauding the conduct of the Bombay authorities, and bidding them, in any and every case, retain all their late acquisitions, especially Bassein, if it were included in the number; which was not the case. The mandate came late, but its effects were soon manifested in a partial breach of faith, by continued though guarded favour shown to Ragoba, and a decided inclination to break with the Poona ministry. Nana Furnavees, a politician of much ability and more cunning, strove to prevent the renewal of hostilities, by affecting to encourage the pretensions of a French adventurer, named St. Lubin, who, after imposing upon the Madras government in the character of an agent of the court of Versailles, had returned to France, and by exaggerated representations of the influence acquired by him at Poona, had induced the minister of marine to intrust him with a sort of clandestine commission, as an experiment for ascertaining if any footing might be gained (the port of Choul being especially desired.)

No one had less inclination to suffer the introduction of French power into Maharashtra than Nana Furnavees; and by the little favour shown to the avowed agent of another European state (Austria), then at Poona, it seems that he considered St. Lubin as a mere impostor, and encouraged him simply as a means of alarming the English government by an affected alliance with France. These proceedings served, on the contrary, to incite immediate operations before the anticipated arrival of French auxiliaries at Poona. Even Hastings was dissatisfied with the treaty of Poorunder; and notwithstanding the censure bestowed on the previous "unwarrantable" interference of the local authorities, they were now directed "to assist in tranquillising the dissensions of the Mahratta state." Ostensibly for the promotion of this object, Colonel Leslie was despatched, with a strong detachment, to march across the centre of India, from Bengal to the western coast. The Bombay presidency, delighted with this indirect admission of the advisability of their former measures, determined not to wait the arrival of reinforcements, but to make war at once, upon the strength of their own resources; and Mr. Carnac, who had the lead in council, was himself placed at the head of a committee, to aid in the direction of military operations. In fact, despite the oddity of making war under the superintendence of civilians, the infirm health and inexperience in Indian warfare of Colonel Egerton, the officer on whom the command devolved by right of seniority, rendered such a step of absolute necessity to the carrying out, with any prospect of success, the wild plan of advancing with a force (including a few straggling horse under Ragoba) of less than 4,500 men, to attack the ministerial party in their own capital. So bold a design imperatively needed rapidity in execution; yet, after crossing the Ghaut (mountain-pass), the army, without any reason for such ill-timed tardiness, advanced only eight miles in eleven days. The enemy had fully prepared for their reception; and the deliberate progress of the English was but slightly opposed, until, at about sixteen miles from Poona, they found themselves face to face with the Mahratta host. Mr. Carnac and Colonel Cockburn (who had taken the lead, in consequence of the sickness of Colonel Egerton) seem to have been panic-struck by the imminent danger which they had wantonly incurred, and they immediately issued orders for a silent midnight retreat. In vain the junior officers and Ragoba, whose military experience was treated with undeserved contempt, urged that, from the

well-known tactics of the enemy, such an attempt, made in defiance of clouds of trained cavalry, was more perilous than the boldest advance. And so the event proved; for the first retrograde movement of the English gave the signal for attack to the whole hostile force. The bravery and skill of Captain Hartley, the officer in command of the rear-guard,* together with his extraordinary influence with the native troops, conduced materially to save the invading army from total destruction. After several furious charges, the enemy desisted, without having made a serious impression on any part of the line. But the loss of 300 men, including fifteen officers, had so completely dispirited the military leaders, that they now, in continued opposition to the arguments and entreaties of Hartley and others, declared advance and retreat alike impossible, and that nothing remained but to make peace with the Mahrattas on any terms,—in other words, to confess themselves caught in their own trap, and consent to such a ransom as their captors might dictate. They were even prepared to give up Ragoba to his foes, the ministers; but he, aware of the ungenerous intention, made private terms of surrender with Scindia. The almost independent power of this chief, and the jealousy existing between him and the Poona authorities, enabled the English, by a direct application to him, to obtain more favourable terms than might otherwise have been conceded; but despite the moderation of the victors, the Convention of Wurgaum formed a fitting ending to one of the few disgraceful campaigns recorded in the annals of the Anglo-Indian army. Every point in dispute was yielded; all acquisitions made since the death of Madhoo Rao (of course including Salsette) were to be relinquished, as also the revenue raised by the company in Broach,† and even in Surat, which the Mahrattas had never possessed. Hostages (Mr. Farmer and Lieutenant Stewart) were left with Scindia for the performance of the treaty: nevertheless, the first act of the committee by whom the whole affair had been so terribly mismanaged, on descending the Ghaut in safety, was to countermand the order despatched in agreement with the recent convention forbidding the advance of the troops from Bengal.‡

The presidency were indignant beyond measure at this discreditable conclusion of their attempt to show Calcutta what Bombay could do. Hastings was, on his part, no less irritated by a series of rashly-planned and ill-executed measures, which nothing but "success, that grand apology for statesmen's blunders,"§ could excuse. His own long-cherished hopes of taking advantage of the dissensions of the Mahratta state proved equally fruitless. A mistaken idea of the connexion of Moodajee Bhonslay, the ruler of Berar, with the house of Sevajee, led Hastings to stimulate Moodajee to assert his supposed claim to the raj, or sovereignty, upon the death of Ram Rajah in 1777, and the appointment, under the name of Shao Maharaj, of a distant relative, adopted as his son, and heir to his gilded captivity by the deceased prince. The effort proved fruitless, for Moodajee retained a lively recollection of kindness received from the grandfather of the infant peishwa, and despite the promptings of ambition, was reluctant to interfere with the power of that family. These kindly feelings, one of the Hindoo guardians of the child (either Nana Furnavees or Sukaram Bappoo) had taken pains to cherish, by placing his infant charge in the arms of young Raghoo, the son of Moodajee, and styling him the protector of the peishwa. Hastings himself remarks that acts of this description establish in the minds of the Mahrattas "obligations of the most solemn kind," and afford "evidence of a generous principle, so little known in our political system."‖ The powerful minister, Nana Furnavees, was, however, actuated by less generous principles, his chief object being to use the little peishwa as an instrument for his own aggrandisement and that of his family, to whom he designed to transmit his paramount authority over the puppet minister of a puppet rajah. These designs were not likely to escape the notice of his colleagues in office, and dissensions arose, of which Scindia took full advantage

* Scindia loudly extolled the conduct of the rear-guard, which he compared "to a red wall, no sooner beat down than it was built up again."—(Duff.)

† A petty Mogul nabob held Broach, in subordination to the Mahrattas until 1772, when it was captured by a British force under General Wedderburne, who was killed in the assault.

‡ The hostages were, nevertheless, generously released by Scindia, who did not even demand the parole of Lieutenant Stewart not to fight against him, but, on the contrary, said—"Resume your place in the army; your sword is your subsistence."—(Wilks.)

§ Duff's *Mahrattas*, ii., 379.

‖ *Life of Hastings*, ii., 331.

for the establishment and increase of his own power, by interfering as much as possible in the garb of a mediator.* Under the pressure of external hostilities, internal disputes invariably gave way to co-operation for mutual defence; and such was the immediate effect produced by the repudiation by the governor-general of the Convention of Wurgaum, which he declared invalid, inasmuch as the English committee had far exceeded the powers vested in them. This was actually the case; and Mr. Farmer had informed Scindia that they had no power to enter on any treaty without the sanction of the supreme government. The Mahratta chief treated this excuse as a mere pretence to avoid giving an inconvenient pledge, and scornfully asked, if their authority was so limited, by whose order they had ventured to break the treaty concluded by Colonel Upton? The question was unanswerable; the danger imminent; and Mr. Carnac, consoling himself with the idea that if, after what had passed, the Mahrattas were duped, the fault was their own, despatched a plenipotentiary to the camp of Scindia for the avowed purpose of concluding a treaty, which he confirmed by every outward mark of good faith, under a *mental reservation* of the invalidity of the whole transaction.

On their return to Bombay, Mr. Carnac, Colonel Egerton, and Colonel Cockburn (a brave and steady soldier, but totally unfit for so arduous a command), were dismissed the service, and the recall of Colonel Leslie was only prevented by his death of fever. The offence of the latter officer was the slowness of his march from Bengal, and his mistaken policy in allowing some Rajpoot allies of the Mahrattas to engage him in petty hostilities, and hinder the accomplishment of his main object—namely, speedy arrival at the seat of war. General Goddard was chosen by Hastings for the command, and his progress was altogether as speedy and fortunate as that of his predecessor had been slow and unsatisfactory. After receiving great kindness, bestowed under circumstances of much doubt and difficulty by the Afghan ruler of Bhopal,† Goddard marched boldly on, manifested his good sense by cordial co-operation with the Bombay government, carried out their plan of attaching Guzerat (notwithstanding the almost independent authority with which he was invested), and having, by extraordinary expedition, avoided the snares laid to interrupt his progress, crossed the Taptee on the 1st of January, 1780, and before the end of the month, carried by storm Ahmedabad, the great but decayed capital of the province. The famous fortress of Gwalior‡ was captured on the night of the 3rd of August, by a force of 2,400 men, sent direct from Bengal by Hastings; and the year terminated with the conquest of Bassein by Goddard. But these successes were counterbalanced dy disasters in other quarters, which rendered the English anxious to conclude a speedy peace with the Mahrattas on almost any terms. The aspect of affairs was indeed alarming; for, at this period, Hyder Ali and the Nizam had merged, for the moment, their mutual animosities,

* Sukaram Bappoo, the chief rival of Nana Furnavees, at length became his victim, and was secretly removed from one fortress to another, till he perished miserably under bodily suffering created rather by the effects of unwholesome food and harsh treatment, than the slight infirmities of a green old age. Among his various prisons was that of Pertabgurh, on the western side of which lay an abyss formed by 4,000 feet of rugged rock. From the eastern side the spot was plainly visible where his Brahmin ancestor, 120 years before, won over by Sevajee, swore the treacherous, midnight oath to deliver up his master, Afzool Khan, to planned assassination.—(Duff's *Mahrattas*, *ii.*, 396.)

† This little principality, situated on the north-eastern bank of the Nerbudda, was formed by the usurpations of Dost Mohammed, an Afghan in the service of Aurungzebe. During the troubles that succeeded the death of the emperor, he assumed the title of nawab (*anglicé* nabob), and rallied round him bands of adherents whom he had invited from Bengal. His successors contrived to extend their sway, and, what was more difficult, to gain the good-will of the intractable Gonds, or people of Gondwarra, the inhabitants of the southern portion of the Bhopal territory, chiefly through the instrumentality of an able Hindoo minister, Bejee Ram, and a lady of remarkable ability, who for more than half a century greatly influenced, if she did not control, the councils of the principality, under the name of Mahjee Sahiba, the "lady-mother," an appellation descriptive of her benevolent character only, for she was childless. Hindoos and Mohammedans agree in cherishing the memory of this beloved princess, and vie with one another in citing anecdotes illustrative of her judgment and integrity. She attained the age of eighty.—Major Hough's (*Bhopal Principality.*)

‡ Gwalior, the famous state-prison of Akber and Aurungzebe, had, upon the dismemberment of the Delhi empire, fallen into the hands of a Jat chief, known as the rana of Gohud. It was taken by Scindia in 1779, and captured, in turn, by the British troops under Major Popham, the scarped rock on which the citadel stood being ascended at daybreak by means of wooden ladders. Hastings had formed a very exaggerated idea of the power of the rana of Gohud, to whom he restored the fortress; but on discovering his mistake, he changed his policy, and sanctioned its recovery by Scindia, in 1748—conduct which formed an article in his impeachment.

and confederated with their sworn foes the Poona ministers, for the express purpose of expelling the English and the nabob Mohammed Ali from the Carnatic. The causes which led to this alarming coalition of Hindoo and Mussulman powers, are closely interwoven with the history of the—

MADRAS PRESIDENCY FROM 1769 TO 1780. —The principles which guided the counsels of this government were so avowedly bad that their ruinous consequences seem to have been the natural fruit of the tree they planted. In 1772, the presidency made war upon the poligars or chiefs of certain adjacent districts called the Marawars, not that they had any quarrel with them, but simply because the tyrannical nabob had "made them his enemies, and therefore," the Madras councillors add, "it is necessary they should be reduced. it is necessary, or it is good policy they should. We do not say it is altogether just, for justice and good policy are not often related."* Hostilities were commenced on the above not "altogether just" grounds and they were carried on, to adopt the same smooth-tongued phraseology, in a not altogether merciful manner. The poligar of the greater Marawar (a boy of twelve years of age), was taken at the capture of his capital of Ramnadaporam, in April, 1772, after brave but unskilful resistance on the part of its native defendants (the tribe called Coleries by Orme.) The poliger of the lesser Marawar was slain after a treaty of peace had been actually concluded, owing to a misunderstanding between the English commander and the son of the nabob, Omdut-al-Omrah. The peasantry, as usual, remained passive during the siege of the various forts: they expected to be little affected by the change of one despot for another; but the grinding exactions of the new conqueror, which are said to have surpassed even those of Hyder Ali in the amount of misery inflicted, soon convinced them of their error; and on being turned out of their lands, many took up arms in sheer despair—the inverted plough being the general symbol of revolt. The English officer, Colonel Bonjour, who had been ordered to superintend the settlement of the country in the manner desired by Mohammed Ali, remonstrated forcibly against an object which, being in itself oppressive to the last degree, would require for its accomplishment "extremities of a most shocking nature."† For instance, the impossibility of seizing the armed and watchful foe, must, he said, be met by such reprisals as the complete destruction of the villages to which they belonged, the massacre of every man in them, and the imprisonment (probably to end in slavery) of the women and children; with other "severe examples of that kind."‡ Colonel Bonjour received an answer very similar to that given by Hastings to Colonel Champion in the case of the Rohillas, to the effect, that these things were the natural consequences of war, and that the worthy Mohammed Ali must not be affronted by impertinent interference. In fact, the majority of the Madras council, at this period, were the nabob's very humble and obedient servants, although some trouble was taken to conceal the fact from their "honourable masters" in Leadenhall-streets. Subserviency of so manifestly degrading a character, could scarcely be the result of any but the most unworthy motives; and the simple truth appears to have been, that the leading English councillors entered upon the extension of the power of the Mohammedan nabob of Arcot, as a particularly safe and promising speculation, since if their efforts succeeded, great part of the profit would be their own; and in the event of failure, the expenses must be borne by the company. So early as 1769, three members of council held a large assignment of territorial revenue, which the Court of Directors subsequently discovered; and many official and private persons received from the nabob, bonds for the repayment of money lent and *not lent*, the true consideration given or promised being of a description which neither party cared to specify.

* Parl. Papers, quoted by Mill, iv., 100.

† Mill's *India*, iv., 103.

‡ Col. Wilks describes the sway of Hyder as one succession of experiments as to how far extortion could be practised on the farmer without diminishing cultivation. When his subjects claimed justice at his hands, he punished the offenders by a heavy fine, but pocketed the money himself, declaring that this appropriation was, by restraining oppression, nearly as good for the people, and a great deal better for the Sovereign. Nevertheless, Wilks states that the misrule of Mohammed Ali "left at an humble distance all the oppression that had ever been practised under the iron government of Hyder."—*Mysoor*, ii., 103.) Swartz corroborates this statement by his remarks on the regularity and despatch with which the government of Mysoor was conducted. "Hyder's economical rule is to repair all damages without losing an instant, whereby all is kept in good condition, and with little expense. The Europeans in the Carnatic leave everything to go to ruin."—(*Idem*, p. 572.)

When Englishmen of a certain rank "could make open and undisguised offers of their services to become directors of the E. I. Cy.,"* and even stoop to occupy seats in the British parliament purchased with his funds, avowedly for the promotion of his interests, little cause for surprise remains that Anglo-Indian functionaries, placed for the time beyond the reach of that public opinion which with so many men stands in the stead of conscience, should, by degrees, lose all sense of shame, and scarcely take ordinary pains to conceal their venality. Even had they been more on their guard, the conduct of Mohammed Ali could scarcely have failed to provoke recriminations calculated to expose the whole nefarious system. His love of money, though it fell far short of his thirst for power, was still excessive: he never willingly parted with gold, but accumulated large hoards, giving bonds to his real and pretended creditors, until they themselves became alarmed at the enormous amount of private debts with which the revenues of Arcot were saddled. Meanwhile, the legitimate expenditure of government was narrowed within the smallest possible limits; the troops, as usual, were in arrears of pay, and the promises made to the E. I. Cy. remained unfulfilled. The booty obtained by the seizure of the Marawars had only served to whet the appetite of Mohammed Ali and the party of whom he was at once the tempter and the dupe. There was a neighbouring state better worth attacking—that of Tanjore, a Maharatta principality against which the nabob of Arcot had no shadow of claim, except that of having, by dint of superior strength, exacted from thence an occasional subsidy. Its late ruler, Pertap Sing, had, it is said, more than once purchased the mediation of the leading English officials by borrowing from them large sums of money at exorbitant interest: but his son and successor, Tuljajee, forsaking this shrewd policy, applied to the Dutch at Negapatam, and the Danes at Tranquebar, for the means wherewith to pay a heavy sum which he had been compelled to guarantee to the Arcot authorities as the price of peace, so late as 1771. Some small portion of this agreement remained unfulfilled, and it served to afford a sufficient pretext for the invasion of Tanjore. In fact, such a formality could only be necessary for the sake of preserving appearances with the company and the British public. George III. had, it was well known, been prepared, by wilful perversions of the truth to take a generous and manly, but wholly mistaken and prejudiced view of all matters regarding Mohammed Ali, whom he had been induced to regard as an independent sovereign of high principle and ability, whose plans the English were, in gratitude and duty, bound to further to the uttermost. Existing disputes between the governments of Poona, Guzerat, and Berar, prevented the chiefs of the Mahratta confederation interfering to protect the rajah; therefore, taking advantage of the opportunity, hostile proceedings were commenced, and ground broken before Tanjore on the 20th of August: on the 6th of September a breach was effected; and on the following day, during the intense heat of noon, while the garrison were for the most part at rest, in expectation of an evening attack, the English troops were, with the least possible noise, marshalled for the assault. The stratagem was entirely successful; the fort was captured almost without loss, and the rajah and his family fell into the hands of Mohammed Ali, by whom his dominions were formally occupied. The indignation of the company was naturally roused by a procedure which lacked even the threadbare excuse of zeal for their service. Orders were issued (though somewhat tardily, owing to the disturbed state of affairs at home) for the restoration of the rajah of Tanjore; and Lord Pigot,† his proved friend, was sent out as governor, in 1775, for their enforcement. This act of justice was not carried through in a purely disinterested manner, for stipulations were made for the maintenance of an English garrison within the citadel, and the payment of tribute to the nabob. The latter clause failed to reconcile Mohammed Ali to the surrender of Tanjore; he even formed a plan for its forcible detention,‡ which was forestalled by the prompt

* *Vide* Wilks' *Mysoor*, ii., 213; and Burke's admirable speech on the Carnatic debts, in which he affirmed that the nabob of Arcot had returned eight members to one British parliament.

† Lord Pigot went out as a writer to Madras in 1736; was promoted to the government in 1754; went home in 1763, with an immense fortune; and successively obtained the rank of a baronet and of an Irish peer. A treaty with the rajah of Tanjore, in 1762, was one of his favourite measures, and he felt naturally annoyed by its shameless violation.

‡ *Vide* Wilks' *Mysoor*, ii., 225. Mohammed Ali had secretly ordered a large amount of military stores from the Danish authorities at Tranquebar, but they arrived too late for the purpose designed. The Danes had no great reason to rejoice

and decisive measures of Lord Pigot, who proceeded in person, in the spring of 1776, to reinstate Tuljajee in his former dignity. The council took advantage of his absence to consider the delicate question of the pecuniary claims of individuals, especially those of Mr. Paul Benfield. The case of this individual may serve to illustrate the character of the nabob's debts, the majority of which were similar in kind, though less in degree, in proportion to the opportunities audacity, and cunning of the parties concerned. Mr. Benfield was a junior servant of the company, with a salary of a few hundred pounds a-year, which, as all old Indians know, could leave little margin for extravagance; nevertheless, this clever adventurer, having in his own scheming brain a talent for money-making scarcely inferior to that vested in the fairy purse of Fortunatus, contrived not only to support a splendid establishment and equipages, unrivalled at Madras even in those days of luxury and ostentation, but also to obtain certain assignments on the revenues of Tanjore, and on the growing crops of that principality, to the enormous extent of £234,000, in return for £162,000 ostensibly lent to the nabob of Arcot, and £72,000 to individuals in Tanjore. Such was the leader of the party arrayed on the side of Mohammed Ali, who had actually signed bonds to the amount of nearly a million and a-half sterling, backed by assigments on the revenues of Tanjore; and the very nature of these claims caused them to be urged with peculiar acrimony and violence. In Calcutta, the character of the majority by whom Hastings was at this very time so fiercely opposed, was wholly different to that with which Pigot had to struggle. Clavering, Monson, and Francis might be reproached with party spirit, but in all pecuniary matters their reputation was unblemished, and their public proceedings were, consequently, free from the baneful and narrowing influence of self-interest. At Madras the case was wholly different; the majority consisted of men of deeply corrupt character, who in return for accusations of venality in abetting the aggressions of the nabob, reciprocated the charge against all the upholders of the raja, from the governor downwards.* The previous career of Lord Pigot did not facilitate the performance of the invidious task he had undertaken. Like Clive, he had formerly accumulated an immense fortune by questionable means, and had returned to root up abuses which, at an earlier stage, might have been nipped in the bud. Even his present visit to Tanjore, and the part played by him in the struggle for the appointment of a resident at that government, was far from being free from all suspicion of private ends and interests, either as regarded himself or his immediate retainers. But, however, alike in their views and motives, the positions of Clive and Pigot were very different. The latter, instead of possessing supreme authority, was subordinate to a governor-general by no means inclined to afford cordial support to any reformatory measures, save of his own introduction; and Lord Pigot trusting too much in his own strength, by a haughty and violent line of conduct,† soon brought matters to a crisis he was unprepared to meet. The imprisonment of Sir Robert Fletcher, with the attempted suspension of two of the leading members of council, was retaliated by his own arrest, performed in a very unsoldier-like style by the temporary commander-in-chief of the army, Colonel Stuart, with the aid of a coachman in the pay of Mr. Paul Benfield.‡ Having thus unceremoniously disposed of their chief, the majority proceeded to enact a series of legal, or rather illegal forms, and assumed the whole power of Government.§ They did not long enjoy their triumph; for the home authorities, astonished and alarmed by such

in the transaction, for Hyder made them pay a fine of £14,000 sterling for furnishing his inveterate foe with warlike weapons; and Mohammed Ali, despite his desire to keep the affair quiet, liquidated but a small portion of the stipulated price. The whole matter came to light in 1801, when the E. I. Cy. took possession of the Carnatic, and on the production of the secret correspondence with the nabob, paid the Danish Cy. a balance of £42,304.—(Wilks, ii., 10)

* The scale on which bribery was carried on, may be conjectured from the fact, that Admiral Pigot declared in the House of Commons, in 1778, that his brother the late governor, had been offered a bribe, amounting to £600,000 sterling, only to defer for a time the reinstatement of the rajah of Tanjore.

†Swartz, commenting on the proceedings of which he was an eye-witness, remarks:—"Probably his intentions were laudable, but he began not with God."

‡ Col. Stuart was on terms of close intimacy with Lord Pigot; had breakfasted and dined with him on the day of the arrest, and was ostensibly on the way to sup with him, when the carriage of the governor, in which they were both seated, was, by the appointment of the colonel himself, surrounded and stopped by the troops.—(Mill, iv., 134) The governor was dragged out, made a prisoner, and thrust into Benfield's chaise.—(*Vide* Abstract of Trial of Stratton, Brooke, Floyer, and Mackay. Murray; London, 1780.)

§ Hastings persuaded his colleagues to acquiesce in the new arrangements."—(*Life* ii., 106.)

strange excesses, recalled both the deposed governor and his opponents, that the whole matter might be brought to light. Before these orders reached India, Lord Pigot had sunk under the combined effects of mental suffering and imprisonment for nine months in an ungenial climate. His death terrified all parties into a compromise. The chief civil servants concerned in the affair returned to England; the four members of council paid to them the very trifling fine of £1,000 each, and the subordinates crept back into the service. Colonel Stuart was tried by a court-martial, and, unhappily for the company, acquitted.

The new governor, Sir Thomas Rumbold, reached Madras in 1778, and applied himself with much energy, to the improvement of his private fortune. The council cheerfully followed so pleasant an example; unwonted tranquillity prevailed within the presidency the predominant feature being wilful blindness to the storm gathering without. Yet even Mohammed Ali beheld with alarm that the utterly inconsistent, hesitating, yet grasping policy long persisted in, was about to issue in the conjoined hostilities of Hyder Ali, the Nizam, and the Mahrattas, to each of whom distinct occasions for quarrel had been given; and to these dangers the fear of French invasion, owing to the outbreak of European war, was added. Hyder Ali, their most formidable foe, had been made such by their own misdoings. He had earnestly desired to keep the Mahrattas at bay by means of an alliance with the English, whose enmity he dreaded, fearing, above all things, the unseen resources of the E. I. Cy The Madras government temporised with him for years, and he bore all manner of neglects and slights, waiting, in sullen silence, an opportunity of revenge. After the death of Madhoo Rao, he regained his previous conquests, and largely increased them. The little principality of Coorg,* and Gooty, the eagle's nest of Morari Rao, fell successively: the first, before a sudden invasion, most barbarously carried through; the other under peculiar circumstances of treachery† The Mahratta chieftain soon perished under the influence of the insalubrious climate of a hill-fort, called Cabal Droog, aggravated by food of so unwholesome a character as to be almost poisonous. His family, being subjected only to the first of these evils, survived him fifteen years, and then perished in a general massacre of prisoners, ordered by Tippoo, in 1791.

At the close of the year 1770, Hyder contemplated with delight the fertile banks of the Kistna, newly become the northern boundary of the empire he had erected: but still unsatisfied with its extent (as he would probably have been) had it comprised all India, he proceeded in person to besiege the fortress of Chittledroog,‡ which, amid the chances and changes of previous years, had fallen into the hands of a brave Hindoo

* Hyder entered Coorg in 1773. The rajah (Divaia) fled, and was afterwards captured; but the people hastily assembled on a woody hill, which was immediately surrounded by the enemy. Seating himself with much state, Hyder proclaimed a reward of five rupees for each head that should be brought to him. After receiving about 700, two were deposited on the heap of such singular beauty, that, looking earnestly at them, he ordered the decapitation to cease. The remaining Coorgs were not, however, disposed to submit tamely to the usurper notwithstanding the tribute paid to the finely-formed heads of their murdered countrymen; and when he proceeded to raise the assessment on produce from the ancient tenth to a sixth, they rose as one man but were again reduced to submission by a sweeping massacre of nearly every individual of note.—(Wilks.)

† Gooty is almost impregnable under ordinary circumstances; but the number of refugees from the town, and the quantities of cattle, driven into the citadel, had exhausted the reservoirs of water; and Morari Rao, after above three months' siege, was reluctantly compelled to treat for peace, which Hyder guaranteed on condition of receiving eight lacs of rupees in coin, or that amount in jewels, immediately, and a hostage for the subsequent payment of four more. The hostage, a brave but inexperienced youth, won by the praise bestowed on his chief and himself by the conqueror, imprudently boasted that nothing short of being reduced to three-days' water would have induced Morari Rao to capitulate. Hyder forthwith resumed the blockade, which he maintained until the garrison, in an agony of thirst consented to an unconditional surrender, and then such as escaped with life and liberty were robbed of every other possession; even the women being despoiled of their accustomed ornaments, for the exclusive benefit of the perfidious invader.

‡ The second siege of Chittledroog lasted three months, and was attended with immense loss of life. The garrison believed the place invested with supernatural strength as the site of a famous temple dedicated to the goddess Cali, so long as her rites were duly performed. Unlike Hindoo deities in general, Cali was supposed to delight in blood, and consequently her worshippers, despite the rashness of such a proceeding, regularly sallied forth, after performing their devotions, on every successive Monday morning during three months; and notwithstanding the warning to the besiegers, given by the loud blast of a horn as the signal for the outburst, and the foreknowledge of all except the exact point of attack, the Beders never once returned without carrying off the specific number of heads to be offered to their tutelary deity, upon whose shrine about 2,000 of these bloody trophies were found ranged in small pyramids after the fall of the place.—(Colonel Wilks' *History of Mysoor*, ii., 182.]

poligar or chief. The native garrison defended the place with the fearless zeal of fanaticism, but were betrayed by a corps of Mohammedan mercenaries, whom Hyder found means to corrupt through the medium of their spiritual instructor, a hermit of reputed sanctity, who resided unmolested on the plain below, near the hostile encampment. The natives of the surfounding territory (chiefly of the Beder tribe) had manifested unconquerable attachment to the fallen chief. In vain Hyder had seized all the visible property, and consumed all the provisions on which his practised pilferers could lay hands; neither these measures, nor the infliction of the most cruel punishments on every person engaged in the conveyance of supplies to the besieged, could deter men, women, and even children from sacrificing their lives, in continued succession, in the attempt to support the garrison. Hyder at length determined to sweep off the whole remainder of the population, whose fidelity to their besieged countrymen had alone prevented their following the general example of flight to the woods, or other provinces. About 20,000 were carried away to populate the island of Seringapatam; and from the boys of a certain age, Hyder formed a regular military establishment of captive converts, in imitation of the Turkish janissaries (new soldiers.) These regiments, under the name of the "Chelah"* battalions, were extensively employed by Tippoo Sultan. The reduction of the small Patan state of Kurpa and several minor places, next engaged the attention of the Mysoorean. One of these expeditions nearly cost him his life, by rousing the vengeance of a party of Afghan captives, who having overpowered their guards in the dead of night, rushed to his tent, and the foremost having succeeded in effecting an entrance, aimed a deadly blow at the rich coverlid which wrapped what he took to be the body of the sleeping despot. But Hyder himself had escaped to the protection of the nearest corps. On first hearing the uproar he guessed its cause; for it was a portion of his earthly punishment that, sleeping or waking, the dagger of the assassin was never absent from his thoughts. Despite the burden of advancing years, his mental and physical energies were wholly unimpaired. Springing from his couch, he performed the favourite feat of the nursery hero, Jack the Giant-killer, by stealthily laying his long pillow in the place of his own body. Then cutting a passage through the side of the tent, he effected a safe and unsuspected retreat. The wretched Afghans were slain or disarmed; those taken alive were reserved for various cruel deaths, such as having their hands and feet struck off, or being dragged round the camp tied to the feet of elephants, until, and even long after, life had left their mangled bodies.

Such was the barbarous character of the foe whom the English had so long braved with impunity, that, from the sheer force of habit, they continued to treat him with contemptuous superiority, even after the unpromising state of their own affairs, in various quarters, rendered it obviously advisable to adopt a conciliatory policy. The renewal of European war, would, it was probable, prove the signal for an attempt, on the part of the French, to regain their lost possessions in India, by the co-operation of some of the more powerful native states. It was notorious that St. Lubin and other adventurers, had essayed to ingratiate themselves as representatives of their nation, with the Mahrattas and also with Hyder. But both these powers were bent on avoiding any intimate connexion with European states, whose tendency to become supreme they justly dreaded, though they were ever desirous to purchase, at a high rate, the services of foreigners to discipline their troops. Hyder especially dreaded the effect of French influence, and would certainly have had no dealings with that government, save as a counterpoise to the English and Mohammed Ali, whom he cordially detested. Affairs were in a very precarious condition, when intelligence of the renewal of war in Europe reached Bengal (July, 1778); and, though somewhat premature in character, Hastings thought the information sufficiently authentic to warrant the immediate seizure of the whole of the French settlements before reinforcements should arrive from England, or time be given for the adoption of any concerted plan of defence. Chandernagore, with the factories at Masulipatam and Karical, surrendered without resistance. Pondicherry

* Chelah was a softened name for slave; first employed by Akber, who disliked the harsh terms, but not the odious thing denoted. Slavery has, however, habitually assumed a milder form in the East than the West Indies, under Hindoo and Mohammedan, than under Christian masters; and the bondsmen of the palace, even beneath the sway of Hyder, had so much the air of "children of the house," that the good missionary, Swartz, praises the care evinced for orphans, in total ignorance that Hyder's protection had been purchased by the severance of every natural tie of family, country, and creed.

was captured after a combined attack by sea and land. The French squadron, under M. Tronjolly, was worsted by the English admiral Sir Edward Vernon, and quitted the coast by night; but the garrison, under M. Bellecombe, held out bravely, and availed themselves of every advantage derivable from the strong defences, which had been restored since their destruction in the course of the last war. A breach having been effected, and a combined assault planned by the troops under Sir Hector Munro, in conjunction with the marines and seamen, further resistance became hopeless; the place capitulated, and its fortifications were razed to the ground. The fortress and port of Mahé alone remained to the French. The territory in which they were situated (on the Malabar coast), besides being included in the recent conquests of Hyder, was the depôt for the military stores which he obtained from the Mauritius; he was therefore extremely anxious for its retention by its French possessors, and despatched a vakeel (ambassador or envoy) to Madras, threatening the invasion of Arcot in the event of any hostile attempt on Mahé. The fortress was nevertheless besieged and taken in March, 1779, although the colours of Mysoor were hoisted on the walls with those of the French, and its troops assisted in the defence. The presidency were not without misgivings regarding the hazard incurred by these multiplied provocations, and Sir Thomas Rumbold made an effort to discover the intentions of Hyder, by despatching to his court the missionary Swartz, the only ambassador he would consent to receive. "Send me the Christian," said Hyder; "he will not deceive me."* The reward of the envoy was to be some bricks and mortar, to build a church, from the stores at Tanjore.† These had been already promised for service rendered to government in his capacity of a linguist, but withheld from time to time. Hyder, who had ever been distinguished by discrimination of character, fully appreciated the singlemindedness and unaffected piety of his visitor, with whom he held frequent intercourse,‡ and suffered him to convey religious instruction to the European soldiers in his service, and to hold unrestricted communication, not only with them, but also with the native troops, through the medium of the Persian, Tamul, Mahratta, and Hindoostanee languages. Swartz refused to accept any gift from Hyder, even for his church, and on taking leave, stated with earnestness, that a desire for the prevention of war was the sole motive that had induced him to undertake a political mission, which, under the circumstances, he considered as in nowise derogatory to the office of a minister of God, who is a God of peace. "Very well, very well," said Hyder; "if the English offer me the hand of peace and concord, I shall not withdraw mine."

Swartz returned to Madras and related the verbal assurance, which qualified the written communication of which he was the bearer, wherein the various grievances sustained by the Mysoorean state, as well as by Hyder personally, from the time of the breach of faith regarding Trichinópoly in 1754, down to the recent offence of attempting to march an army, without even asking his sanction, through his recently acquired territory of Cudapah to that of Bassalut Jung at Adoni, were enumerated; with the ominous conclusion—"I have not yet taken revenge; it is no matter."

* Swartz had exerted his great personal influence very successfully for the peaceful and equitable settlement of Tanjore. Hyder had probably heard much in his favour; and his own opinion, formed from subsequent observation, was forcibly shown by the order issued in the Carnatic war, "to permit the venerable Father Swartz to pass unmolested and show him respect and kindness, for he is a holy man, and means no harm to my government."

† Private resources Swartz had none; little help could be expected from the Europeans of Madras, who, he says sorrowfully, could contribute 10,000 pagodas for a playhouse, "but to build a prayhouse people had no money." The immorality of nominal Christians, he considered the most serious obstacle to the conversion of the heathen; especially in the case of the rajah of Tanjore.—(Wilks, ii., 569.)

‡ Perhaps two more opposite characters never engaged in familiar converse than when the vindictive, ambitious, and merciless Hyder sat and talked with the gentle, self-denying, peace-loving missionary, in one of the stately halls of the palace of Seringapatam, overlooking gardens adorned with fountains, cypress groves, trees grafted so as to bear two kinds of fruit, and every refinement that luxury could suggest. Hyder appears to have made no attempt to disguise his barbarous system of administration; for Swartz speaks with horror of the dreadful tortures inflicted on the collectors of revenue if they failed, under any circumstances, to collect the stated revenue. "Although Hyder sometimes rewards his servants, yet the principal motive is fear. Two hundred people, with whips, stand always ready to use them. Not a day passes on which numbers are not flogged. Hyder applies the same cat to all transgressors alike,—gentlemen, horsekeepers, tax-gatherers and his own sons;" but they are not dismissed, but continued in office; for Hyder, adds Swartz, "seems to think that almost all people who seek to enrich themselves are void of all principles of honour."

The authorities, immersed in the deadly stupor of indolence and venality, conducted themselves as if wholly indifferent to the threat thus significantly conveyed. Swartz found that he had been a mere tool, and that Hyder had appreciated more justly than himself the selfish duplicity of Sir Thomas Rumbold and his colleagues. Still persevering in the insulting affectation of a desire to preserve amity, they actually sent to the magnificent court of Mysoor—to a sovereign enriched with the spoil of principalities and provinces—a private person of no note as ambassador (Mr. Gray), bearing with him an ill-made English saddle (hogskin to a Mussulman!) and a rifle which loaded at the breech. The presents were declined as unworthy the giver or intended receiver; neither would Hyder grant a private audience to the envoy; but on learning, through one of his nobles, the desire of the presidency to form an alliance with him, he sent word that he had at one period earnestly and repeatedly solicited it without effect, but was strong enough to stand alone.

The most alarming part of this defiant message is said to have been withheld by Sir Thomas Rumbold,* whose policy was at the time directed to carrying off an immense fortune safe to England. Taking leave of the council, he congratulated them on the prospect of peace at a moment when every nerve ought to have been strained to prepare for defence against invasion, and took his departure in time to avoid the receipt of the recall then on its way to India.† Among the political errors urged against him was the offence given to Nizam Ali, by compelling his brother and subject, Bassalut Jung, to make over the Guntoor Circar to the company in 1779, instead of suffering him to enjoy it for life, as agreed upon by the treaty of 1768; and then using this extorted concession as a means of gratifying the cupidity of Mohammed Ali, to whom this fine district was to be let in farm. Both the London directors and the Bengal authorities strove to assuage the anger of the Nizam at conduct which he was both able and willing to resent; but the Madras officials persisted in justifying their conduct in this respect, and also in endeavouring to repudiate the arrears of peshcush, or tribute, due for the other Circars, as warranted by their pecuniary necessities, and far less faulty in principle, than the breach of faith committed in withholding the tribute pledged to the emperor as a first charge upon the revenues of Bengal.

Hyder Ali had spies everywhere. He was perfectly aware of the ill-feeling existing between the controlling and subordinate governments, and made no secret of the hostile intentions and utter contempt he entertained towards the latter. The extraordinary apathy of the majority of the council together with the violent measures used to stifle the representations of the few who advocated the adoption of immediate measures for the defence of the Carnatic, gave weight to his assertions that the time had arrived for all Indian powers to unite in expelling the one great European state which threatened to engulph every other. Now, in its moment of weakness, when the reins of authority were vested in incapable and selfish hands, a short and decisive struggle might, by the conjoined strength of Mohammedans and Hindoos, brought to bear against the common foe, be attended with such complete success as "to leave not a white face in the Carnatic." The confederacy advocated by Hyder was actually formed, and a plan laid down which, if all parties had carried out their pledge as he did his, might have gone far to realise the desired object. Mohammed Ali, for once a true prophet, foretold the coming storm; but in vain. The presidency persisted in declaring that the dark clouds which they could not deny overshadowed the political horizon, would pass away or be dissipated by the precautions of the Bengal council;—days, weeks, months elapsed, at a time when even hours of continued peace were of incalculable importance, without any attempts for reinforcing weak garrisons in important positions, or for making arrangements for the provisioning of troops, notwithstanding the obvious necessity of the latter measures in all cases of threatened invasion, especially by a foe whose desolating and destructive mode of warfare was proverbial. Yet the very man who had once before dictated terms at the gates of Madras, was treated as a mere braggart, even after he had actually crossed the frontier, and was approaching, with his two sons, at the head of above 80,000 men, supported by a large train of artillery and a considerable body of

* *Vide* Captain James Munro's *Coromandel Coast* p. 130. Dr. Moodie's MSS., in library of E. I. Cy.

† A criminal prosecution was commenced against him in 1782, in the House of Commons, but adjourned from time to time, and eventually dropped.

Europeans (chiefly French), constituting, without doubt, the best-disciplined army ever marshalled by a native Indian power. At length the burning of Conjeveram, the largest village in the Carnatic (sixty miles from Fort St. George, and thirty-five from Arcot), and the testimony of numerous terrified and bleeding fugitives, closely followed by the sight of the much-dreaded predatory horse of the foe, prowling about amid the garden-houses round Mount St. Thomas, changed doubts, sneers, and cavils into unspeakable dismay, which the tidings of every successive hour tended to increase. Hyder pursued his favourite policy of creating a desert about the places he desired to conquer. Round Fort St. George he drew a line of merciless desolation, extending from thirty to thirty-five miles island, burning every town and village to the ground, and inflicting indiscriminate mutilation on every individual who ventured to linger near the ashes. The wretched peasantry, victims of the quarrels of usurping powers, whose actions they could neither understand nor influence, were sacrificed by thousands by fire or the sword, while multitudes, doomed to more protracted suffering, were driven off in a whirlwind of cavalry into exile or slavery, frequently to both united;—the father torn from his virgin daughter; the husband from the wife; the mother borne away in the torrent, unable so much as to snatch her shrieking infant from the trampling hoofs of the snorting horses. Yes! Hyder was indeed at hand: dense clouds of smoke, mingled with flame, were the sure harbingers of his approach. The country-people fled, wild with terror, to Madras; and no less than 300,000 were suffered to take up their abode in the black town in the space of three days.

The assembling of the troops was evidently of the first importance. There was no lack of men or ammunition; but a grievous deficiency of discipline, and general discontent, engendered by the severe suffering inflicted by the non-payment of arrears.* A strong and united effort, by the local authorities, to relieve their wants and inspire confidence, was, however, all that was needed to restore their wonted efficiency; but so far from any decisive measures being taken, delays and disputes arose; for the commander-in-chief, Sir Hector Munro, could not be spared to take the head of the army, because his vote alone insured the supremacy in council of his own opinions and those of the president, Mr. Whitehill. Lord Macleod,† who had recently arrived from England with a highland regiment 1,000 strong, was desired to assume the command, but he positively refused to accept the responsibility of carrying out the hazardous plan devised by Munro, of uniting the main body with that absent in the Guntoor Circar, under Colonel Baillie, at the distant site of Conjeveram, and strongly urged the adoption of the more reasonable course suggested by the minority, of marshalling the forces with the least possible delay on St. Thomas' Mount. Munro, wedded to his project, determined to take the field in person, and actually proposed and carried that he should appoint a nominee to occupy his seat in council so long as it continued vacant. The opposition members indignantly reprobated this arrangement; and one of them (Mr. Sadleir) so provoked the majority, that they decreed his suspension, which was followed up by a challenge from Sir Hector.

The subsequent conduct of the campaign corresponded with this inauspicious commencement. In the very face of the enemy, when from Cape Comorin to the Kistna all was plunder, confusion, and bloodshed, the civil and military authorities continued to quarrel with each other. Munro persisted in attempting the junction of the troops in the centre of a country occupied by an enemy. He marched to Conjeveram with the main body, which comprised 5,209 men, of whom 2,481 were European infantry and 294 artillery, and there awaited the arrival of Colonel Baillie, whose force consisted of about 150 Europeans and 2,000 sepoys. Hyder was at the time engaged in besieging Arcot; but his invariable policy—from which the English general might have

* The force of the nabob alone, in 1776, was stated by Col. Matthews, before a Parl. Committee, to amount to 35,000 effective men. That of the presidency comprehended about 30,000; but even the English forces were on the brink of mutiny for want of pay. In 1777, a regiment completely equipped for service, and stationed a few miles from Hyder's frontier, seized Captain Campbell and their other officers, and were only brought to release them by the interference of Col. James, the commandant of Trichinopoly, who made himself personally responsible for the utmost extent of arrears he could provide funds to meet. The European officers and native troops under Colonel Fullarton, were, at a subsequent period, twelve months in arrear, and obtained their very food on credit.

† Lord Macleod afterwards quitted India, in consequence of Col. Stuart being placed over him.

learned a useful lesson—of directing his chief energies to the most prominent danger, induced him to send the flower of the army, under Tippoo, to intercept the detachment under Baillie, which was accomplished at a spot about fifteen miles distant from Conjeveram.

After a severe conflict of several hours, Baillie succeeded in repelling his assailants, but with so much loss, that he sent word to the general he could not join him unless reinforced in such a manner as to be capable of resisting the opposition of the enemy. He suggested that Munro himself should advance to the rescue; instead of which, the general thought fit again to divide his small army by sending forward a detachment under Colonel Fletcher, to strengthen that threatened by Tippoo.

The intelligence of Hyder regarding the plans and proceedings of the English, was as speedy and reliable as their information concerning him was tardy and misleading. His plot to surprise and destroy Colonel Fletcher on the march was, happily, neutralised by the discreet change of route ordered by that officer; and it is considered, that had the junction of the detachments been followed up, after a few hours' rest, by speedy movement, the conjoined troops might have made their way safely to Conjeveram. But needless delay gave time for Tippoo to fix cannon at a strong post on the road, and, worse still, for Hyder himself to advance in person and oppose their passage. The little band, both Europeans and sepoys, sustained furious and repeated assaults with extraordinary steadiness, inspired with the hope that Munro would take advantage of the opportunity to relieve them by attacking the foe in the rear. Hyder was not without apprehensions on this score, which were heightened by the representations of the French officers in his service, especially of Lally and Pimorin.* The fate of the day hung in suspense until two of the tumbrils blew up in the English lines, and at once deprived them of ammunition, and disabled their guns; they nevertheless maintained the contest for another hour and a-half. At the end of that time but 400 men remained, many of them wounded; yet they still rallied round their leader, desiring to cut their way through the hostile ranks or perish in the attempt. But Colonel Fletcher lay dead on the field of battle, and Colonel Baillie, willing to save the lives of his brave companions, and despairing of relief from head-quarters, held up his handkerchief as a flag of truce. An intimation of quarter being given, the English laid down their arms; but had no sooner done so than a fierce onslaught was made by the enemy, and the whole of them would have been slain in cold blood, including even the native women and children who had accompanied the detachment, but for the interference of the French mercenaries. Baillie was brought, stiff with wounds, into the presence of his barbarous conqueror, and eventually perished in the prison of Seringapatam. About 200 Europeans were taken, of whom fifty were officers.† They were destined to linger long years in a captivity more terrible than death.

When tidings of this disaster reached Conjeveram, Munro threw his heavy guns and stores which could not be removed, into a tank, and retreated from that place to Chingleput, where he hoped to procure a supply of rice for the army; but being disappointed by the conjoined effect of Hyder's alertness and his own want of precautionary measures, he retreated to Madras. Here general consternation and alarm prevailed, aggravated by the utter want of provisions, military stores, or funds even to pay the troops, European or native; the latter, in the service of Mohammed Ali, deserted in whole regiments simply for that reason. The state of things seemed hopeless, when the vigorous measures of the supreme government at Bengal gave a new turn to affairs. The unfaltering courage and clear perceptions of Hastings were never exerted more advantageously than at this crisis. He had already instituted a negotiation with the Nizam for the restoration of the Guntoor Circar, the chief bone of contention; and he maintained a correspondence with the Mahratta ruler of Berar, Moodajee Bhonslay, which had the effect of rendering that chief unwilling to cooperate actively with his countrymen against the English, though he did not care openly to refuse joining the general confederacy. But these measures were manifestly insufficient to meet the present crisis. Hyder had followed up his success at Conjeveram by the siege and capture of Arcot. Wandewash, Vellore, Chingleput, and other bul-

* Lally was the commander of a small body of European mercenaries who had successively served Nizam Ali and Bassalut Jung, before entering the service of Hyder. Pimorin was a French officer.

† Of eighty-six officers, thirty-six were killed, thirty-four wounded, and sixteen surrendered unhurt.

warks of the Carnatic, were wretchedly provisioned and closely blockaded; while the numerous forts under the direct control of the nabob, Mohammed Ali, were, for the most part, surrendered without a blow, from the various and often concurrent causes of disgust at an incapable and extortionate master, corruption, and despondency. Such was the news brought to Calcutta by a swift-sailing ship, flying before the south-west monsoon. In twenty-four hours the governor-general's course was taken. Supplies of every description—of men, money, and provisions—were gathered in, and despatched under the charge of the veteran general Sir Eyre Coote, whose very name was a host, and to whom the sole conduct of the war was to be entrusted; for Hastings, rightly deeming the emergency a justification for exerting the utmost stretch of authority, took upon himself to suspend Mr. Whitehill, the venal and incapable governor of Fort St. George.

On reaching Madras, Coote found at his disposal a force numbering altogether 7,000 men, of whom only 1,700 were Europeans. Despite the manifest disparity of numbers, he earnestly desired to bring Hyder to a regular engagement, believing that the danger to be incurred by such a proceeding would fall far short of that resulting from the waste of resources and dispiriting effects of the harassing hostilities carried on by his opponent in a country already desolated. The wary Mysoorean well knew the foe with whom he had now to cope, and neither taunts, threats, nor manœuvring, could induce him to risk a pitched battle. This very circumstance enabled the English to relieve Wandewash,* Permacoil, and other besieged places; but only for a time: the indefatigable foe marched off uninjured to blockade a different fortress, and Coote followed till his troops were well-nigh worn out.† At length a seeming evil procured the long-desired engagement; for Hyder, encouraged by the presence of a French fleet on the coast, intrenched his army in a strong post near Cuddalore, close to the village called by Europeans Porto Novo, and strove to intercept and cut off the supplies of the English, who had recently been repulsed in an attack on the pagoda of Chillambrum. Coote advanced boldly, and having discovered a means of approach for a portion of the troops by a passage through a ridge of sand-hills, formed by Hyder for his own use, the general contrived, by a series of simple yet skilful and admirably executed movements, to marshal his forces in the face of several heavy batteries, and finally succeeded, after a close and severe contest, in forcing the line of the enemy and fairly putting them to flight.

At the commencement of the battle (about nine o'clock on the morning of the 1st July, 1781), Hyder took up his position on a little hill commanding the scene of action, and there he sat until four in the afternoon, cross-legged, on a low stool, watching every movement made by or against the English, and so enraged by the unexpected progress of affairs, as to become stupid with vexation. Fourteen years before, when defeated by Colonel Smith,‡ he had been observed by the English officers, with cool self-possession, issuing orders for a retreat, in the manner of one who could afford to wait and bide his day of triumph. But Hyder was an old man now; a pampered tyrant, accustomed to tread on the necks of his fellow-beings; and he believed the time at length arrived to triumph over the power of the people by whom he had been long braved with impunity. The cup of revenge was at his lips; was it to be flung to the ground almost untasted? Considerations of this nature shut out from view all thought of personal danger, and rendered him deaf to the arguments offered to induce him to quit a position rapidly becoming extremely perilous. The nobles in attendance were silenced by the obscene abuse, always lavishly bestowed by their imperious master when out of temper; their horses and servants had disappeared in the general flight before the advancing foe; but Hyder remained seated until a groom, who through long and faithful service was in some sort a privileged man, came forward, and

* Wandewash was most gallantly defended by Lieut. Flint, who, notwithstanding very deficient resources, and without a single artilleryman, not only held his ground during seventy-eight days of open trenches against the flower of Hyder's army, but raised a little corps of cavalry, and procured provisions for his garrison and supplies for the main army.

† When urged by the British commander to decide the fortune of war by a pitched battle, Hyder is said to have replied—"What! put my chargers, worth more than one hundred rupees each, in competition with your cannon-balls, that only cost a few pice (halfpence.) No, no: you shall hear of me often, but see me never. I will keep you marching until your legs are as big as your bellies, and your bellies the size of your legs; and then you shall fight when I choose, not when you please."

‡ At Trincomalee, in 1767. (*See* p. 318.)

drawing the legs of Hyder from under him, thrust his slippers on his feet, and with blunt fidelity prevailed on him to rise, saying, "we will beat them to-morrow; in the meanwhile mount your horse." Hyder complied, and was out of sight in a few moments, leaving the discomfited group, around his stool of repentance, to save themselves as they best could. Luckily for them, the English had no cavalry wherewith to carry on the pursuit. The victory was, however, fraught with important consequences. It induced the hostile force to fall back upon Arcot. Sir Eyre Coote followed, and encouraged by previous success, ventured to attack Hyder near Polliloor, in a position which, besides great natural advantages, was held by the superstitious Mysorean in particular estimation as a lucky spot, being that on which he had cut off the detachment under Baillie in the previous year. The British troops became furious at the sight of the unburied remains of their fallen comrades; but insurmountable obstacles retarded their advance. They could not get at the enemy; two tumbrils broke (as on the previous occasion); and to make the confusion greater, Sir Hector Munro, having received a hasty rebuke from Coote, sullenly seated himself beneath the only tree in the plain, and refused to issue a single command. The loss of the English was about 500 killed, including some officers; and the action would probably have terminated in a defeat, had their wily adversary suspected the existence of the dissension and confusion which temporarily prevailed in an army characterised by united action and steady discipline. The campaign ended with the surprise of the Mysooreans at the pass of Sholingur, on the road to Vellore: their loss was estimated at 5,000 men; while that of the English fell short of 100.

Meanwhile, an important change had taken place at Madras in the nomination of Lord Macartney as governor and president of Fort St. George. The appointment of a man of acknowledged talent and strict integrity was, doubtless, a great step towards abolishing the systematic venality which had long disgraced the presidency; and the earnest and straightforward manner in which the new ruler applied himself to his arduous and invidious task, justified the expectations entertained on his behalf. But the difficulties which surrounded him were great beyond expectation. Disastrous news awaited his arrival in June, 1781. First, that the Carnatic, which Sir Thomas Rumbold had represented in a most peaceful and promising condition, was actually occupied by a ruthless foe; secondly, that the means of defence had been vainly sought for by men possessed of the local experience in which he was of necessity wholly deficient; and thirdly, that the increasing scarcity which prevailed through the Carnatic, threatened to terminate in a terrible famine. Macartney was called on to decide how best to meet these difficulties without clashing with the extraordinary powers vested in the brave and indefatigable, but peevish and exacting General Coote, and still more with the supreme authority wielded by the seemingly conciliatory, but really dictatorial and jealous Hastings.

Lord Macartney brought to India intelligence of war with Holland; and despite the objections of Coote, who desired to see the whole force concentrated for the reconquest of Arcot, the Dutch settlements were attacked; Sadras, Pulicate, and Negapatam successively taken; after which the troops of Hyder began to evacuate the forts which they had occupied in Tanjore. But these successes were soon followed by renewed disasters. A French fleet arrived on the Coromandel coast in January, 1782, and after intercepting several vessels bound to Madras with grain, landed 3,000 men at Porto Novo, where Tippoo speedily joined them with a large body of troops. An English and native detachment, about 2,000 strong, stationed in Tanjore, under Colonel Brathwaite, misled by a system of false information carried on by the spies of Hyder, were surprised by a conjoined force under Tippoo and Lally, and after maintaining a desperate resistance for six-and-twenty hours, against an enemy who outnumbered them twenty to one, were at length completely surrounded, and either slain or captured. The conclusion of a peace with the Mahrattas being officially announced at Madras in the month of June, gave an opportunity for opening a similar negotiation with Hyder. The terms on which it had been obtained were not, however, of a nature to induce so wary a politician to make important concessions. The English, he well knew, had purchased peace by the surrender of almost all they had been fighting for—that is, by reverting to the terms of the indignantly repudiated treaty of Poorunder; and even these conditions had been made through the instrumen-

ality of the formidable and intriguing Scindia.* But Hyder desired an interval of tranquillity in which to settle a plan of combined operations with the French admiral Suffrein; he therefore proceeded to treat with Sir Eyre Coote, who remained in suspense until the vakeel from Mysoor was suddenly withdrawn, and the old general discovered that his whole stock of provisions had been consumed, while the troops were kept in a state of inactivity by the artifice of Hyder. The subsequent attempts of the English to force a battle were unavailing; and matters grew from bad to worse, until towards the close of the year, Coote, who had previously sustained a fit of apoplexy, now suffered a fresh seizure, which compelled him to resign the command to general Stuart, and retire to Bengal. Madras was by this time reduced to a terrible condition. The ravages of famine, after spreading over the whole Carnatic,† at length became felt in the presidency, and increased with alarming rapidity, until the number of deaths amounted to, and continued for several weeks, at from 1,200 to 1,500. The French appear to have been ignorant of the state of affairs; for they made no attempt to blockade the coast; and supplies from Bengal and the Northern Circars came in time to aid in preventing the scourge of pestilence from following the ravages of famine. Hyder Ali had ever been accurately informed regarding the condition of every leading English settlement, and would doubtless have not failed to take advantage of the condition of the capital of the presidency, but that his marvellous energies of mind and body, so long vouchsafed, so terribly misused, were fast failing. His health had been for some time declining, and, in November, symptoms appeared of a mortal disease described as peculiar to natives of high rank, and therefore called the raj-poora, or royal boil. He died at Chittore, in December, 1782,‡ leaving Tippoo§ to prosecute hostilities with the English. The defalcation of the Mahrattas had, it is said, led him to regret the confederacy he had formed, and even to regard it as the most impolitic act of his whole career. "I have committed a great error," he exclaimed with bitterness; "I have purchased a draught of seandee‖ (worth about a farthing) at the price of a lac of pagodas. I can ruin their resources by land, but I cannot dry up the sea."¶ It would have been well for his successor had he profited by this dear-bought experience; but Tippoo, fierce, headstrong, and bigoted, was the last person in the world to gain wisdom on such easy terms. A leading characteristic of Hyder had been perfect toleration to every religious sect. Though quite capable of respecting the genuine piety of such a man as Swartz, he appears to have been himself devoid of any belief whatever; and alternately countenanced and joined in the ceremonial observances of the Mohammedans and Hindoos, and even the grossest forms of idolatry, superstition, and magical incantation performed by the latter, simply from motives of policy.

His cruelties, great and terrible as they were, resulted from the same cause, excepting only those prompted by his unbounded sensuality. Tippoo Sultan, on the contrary, had all the insatiable ferocity of the wild beast whose name he bore, when the fearful relish for human blood has once been acquired; and none of his victims could have suggested a more appropriate badge than the stripe of the royal tiger, which formed part of his insignia.** With him, the fiendish

* The price paid to Scindia was the surrender of the city of Broach and its dependencies. The arrangements referred to (commonly known as the *Treaty of Salbye*) were concluded in May, 1782.

† An eye-witness pathetically discribes the manner in which the natives, "whose very excess and luxury, in their most plenteous days, had fallen short of our severest fasts—silent, patient, resigned without sedition or disturbance, almost without complaint," perished in multitudes.—(Moodie's *Transactions.*)

‡ It is said that Hyder, like Hamilcar, swore his son to wage incessant war against the English; but the truth of this assertion is doubtful.

§ The age of Hyder is very differently stated. Wilks (the best general authority regarding Mysoor) states that he was seven years old in 1728, which would make him about sixty at the time of his death; but Mill and other writers unanimously speak of him as attaining a far more advanced age; and the careful and accurate Thornton describes him as little younger than Aurungzebe.

‖ Date wine, a cheap but very intoxicating liquor.

¶ *Mysoor*, ii., 373. Col. Wilks gives this strange confession on the authority of Poornea, the Hindoo minister, to whom it was addressed. Hyder, it must be recollected, had no ally on whom he could rely. The Mahrattas had forsaken him, and from the French he could only receive very partial aid, since he had predetermined, under no circumstances, to admit them in force to Mysoor.—(*Idem*, 374.) At a very critical period (March, 1782), Hyder resented the attempt of a French officer to take possession of Chillambrum, by turning him out of the fort, and the troops, having no bullocks, were actually compelled to drag their artillery back to Porto Novo!

** Tippoo Sultan is thought to have been named after a famous ascetic for whom Hyder Ali had a regard, and who had assumed this strange designation to signify sovereignty obtained over the tiger-like passions of the flesh.—(Wilks' *Mysoor*, ii., 567.)

delight of inflicting pain and degradation, physical and moral, seems to have been an instinct developed even in early boyhood.

In vain the stern reprimands of his dreaded father were frequently sounded in his ears; in vain the repeated infliction of corporal punishment by the long whips, which Hyder declared to be better security for good government than all the reading and writing in the world;—Tippoo could never be restrained from indulging the vicious tendencies which subsequently found vent in the form of religious persecution. He persisted in inflicting the outward mark of Islam on such Christians as fell in his power,* and insulted the peaceful Hindoo subjects of his father by wantonly defiling their places of worship, and slaying the animals they hold most sacred, especially the sacred bulls, which he recommended to his associates as the best possible beef. Yet Tippoo, stanch Mussulman as he deemed himself, and sworn foe to idolatry, was not the less a slave to the gross superstitions of which the Brahminical creed of modern times is so largely composed; and, like Hyder himself, he rarely failed, in commencing a difficult and dangerous undertaking, to have the *jebbum*—a strange species of magical incantation—performed on his behalf by the Hindoos, simultaneously with the offering up of prayers for success in the mosques.† Add to these characteristics that of an irrepressible tendency for pilfering and lying, and we have, perhaps, about as detestable a person as can well be conceived. In activity in battle, he is said to have surpassed his father, and to have equalled him in personal daring; but in every other more needful capacity of a despotic ruler, he was immeasurably inferior. His uncontested succession was ensured by the manœuvres of two Brahmins, the chief ministers of Hyder,‡ who concealed the death of the sovereign as long as possible, in order to give his heir time to return from his post on the western frontier of Mysoor, whither he had proceeded to repel the incursions of the English under Colonel Humberstone. Lord Macartney, on learning the late event, earnestly pressed the commander-in-chief (General Stuart) to take immediate advantage of the confusion likely to arise from a change of rule. But here again the spirit of disunion, which prevailed to so remarkable an extent in the Madras presidency, forbade speedy and combined action. The general claimed to be allowed to exercise the same independent authority bestowed by the supreme Government on Sir Eyre Coote, and the Governor contended, as Hastings had done in Bengal, for the entire subordination of the military to the civil authority. The general, to vindicate his alleged right, took the course natural to an opiniated and narrow-minded man, of acting in direct opposition to the instructions given by the presidency; and during the remainder of this the first war with the new ruler of Mysoor, the very spirit of discord ruled in the senate, the camp, and the field, neutralising every success, and aggravating every disaster. By the urgent solicitations of Hastings, Coote was again induced to return to the Carnatic; although, before his departure from thence some serious disputes had taken place between him and Lord Macartney, notwithstanding the care evinced by the latter to act in the most conciliatory manner. But the ill-defined authority vested in the Supreme Council of Bengal, in conjunction with the personal misunderstanding which unhappily existed between Hastings and Macartney,§ tended to mingle personal feelings with public questions; and the dissensions between them increased in violence, until the governor-general took the resolve not only of delegating to Sir Eyre Coote the uncontrolled conduct of the war, but also, in the event of determined resistance at Fort St. George, of enforcing that measure by the deposition of the president. The death of Coote, four days after landing at Madras,‖

* When a youth, his father punished him severely for having inflicted circumcision on an English soldier, at a time when he was anxious to conciliate the good-will of the Madras presidency.

† The Jebbum, though purely a Hindoo ceremonial, was frequently resorted to by Mohammedans; one, of which the details are on record, is said to have cost Mohammed Ali £5,000, which he did not grudge, since *it killed Lord Pigot*; and another, after several failures, produced the death of Hyder himself.—(Wilks' *Mysoor*, ii., 255.)

‡ The chief ministers, relatively speaking; for Hyder was himself the acting head of every department.

§ The spotless integrity of Lord Macartney was a standing reproach to Hastings, who in dealing with him completely lost his temper. Thus, in a communication dated 13th of April, 1783, he desires Lord Macartney to explain some misunderstanding which had arisen on an official subject, adding as a reason, "if you consider the estimation of a man [the governor-general of India writing to the head of a subordinate presidency!] so inconsiderable as I am deserving of attention."—(*Life*, ii., 63.)

‖ During the voyage, Coote was chased for two days and nights by a French ship of the line; and the agitation caused thereby accelerated his death.

perhaps prevented intestine strife ; for Lord Macartney, though courteous and moderate, was by no means inclined to submit tamely to the lot of his predecessor, Lord Pigot. In all other respects the loss of the experienced general was a severe calamity. Despite the irritation and excitability consequent on ill-health, with other failings less excusable—such as extravagance as a commander, and covetousness in his private capacity—he possessed a degree of activity, precision, and experience far beyond any of his compeers; besides which, a frank soldierly manner, aided by the charm of old association, and his own strong attachment to the troops, rendered him beloved by the army in general, and especially by the native soldiers. Many a white-haired sepoy, in after times, loved to dwell on the service they had seen under "Coote Bahadur," and offered, with glistening eye and faltering voice, a grateful tribute to his memory, while making a military salutation to the portrait of the veteran, suspended in the Madras exchange. The death of Coote was nearly simultaneous with the arrival of M. de Bussy. He had been long expected ; but his plans had been twice disconcerted by the capture of the convoy destined to support him, by Admiral Kempenfelt, in December, 1781. A similar disaster occurred in April, 1782; and when, after much delay, he reached the Carnatic in the following June, he found a conjuncture of affairs awaiting him by no means favourable to his views. Hyder was dead, and Tippoo absent on an expedition for the recovery of Bednore, which had surrendered to an English force under General Matthews. This enterprise, which unforeseen circumstances alone rendered successful, had been undertaken for the express purpose of withdrawing the Mysooreans from Arcot. The object was accomplished, but the expected advantages were greatly lessened by the previous ill-advised destruction of the forts of Wandewash and Carangoli, which had been demolished by the for once united decision of Lord Macartney and General Stuart, although almost every military opinion, from that time to the present, has pronounced the measure premature, if not wholly inexpedient. Considerable pecuniary acquisitions were expected to be realised from the capture of Bednore; but these anticipations proved delusive,—whether owing to the large sums carried off by the native governor (himself the intended victim of Tippoo),* or whether from the peculation of English officers, is a disputed question. The place was only retained about three months, at the end of which time it was captured by Tippoo, who having (by his own account) discovered that the English officers, in violation of the terms of capitulation dictated by him, were carrying away treasure and jewels to a large amount, caused them all to be marched off in irons to different prisons, where they endured a rigorous and deary captivity, terminated, in the case of Matthews and several others, by a cruel death.

Meanwhile Bussy, disappointed in the hope of joining the main body of the Mysorean army under Tippoo, concentrated his force at Cuddalore, which was subsequently invested by General Stuart. It was of evident importance to use the utmost expedition in order to forestal the large reinforcements expected from France, and which did eventually arrive. Nevertheless, Stuart, although compelled to some degree of obedience to the Madras government, contrived to neutralise their plans by marching at a rate of three miles a-day, and thus occupied forty days, instead of the usual period of twelve, in reaching Cuddalore. The siege,† when commenced, proved long and sanguinary; and in an attack which took place on the 13th of June, 1783, the English lost upwards of 1,000 men. M. de Suffrein arrived shortly after, and landed a body of 2,400 men to strengthen the garrison; but Stuart had recklessly determined to carry out the commands of the presidency as literally as possible; and all the British troops entrusted to his charge, including a detachment under Colonel Fullarton, which had marched to his aid from Tanjore, would probably have been sacrified to the spleen of one unprincipled man, but for the arrival of orders for the immediate cessation of hostilities, in consequence of the peace newly concluded between France and Eng-

* The governor was a chelah, or slave, named Sheik Ayaz, to whom Hyder had been so strongly attached, that he repeatedly declared he wished he had begotten him instead of Tippoo. The consequence was, Tippoo cordially hated Ayaz, and had arranged to put him to death; but the letter being intercepted, the intended victim hastened to make his escape.

† Bernadotte, afterwards Crown Prince of Sweden, was captured in a midnight sally made by the garrison. He was treated with great kindness by General Wangenheim, commandant of the Hanoverian troops in the English service; and in later life, when their relative positions were strangely altered, the general had ample reason to remember, with satisfaction, the compassion he had evinced towards the wounded sergeant.—(Wilks, ii., 442.)

land. This intelligence, at an equally opportune moment, reached the troops engaged in the defence of Mangalore, which, though a place of very inferior strength, had stood a siege of fifty-six days, the defence being directed by Colonel Campbell, the attack by Tippoo himself, who had proceeded thither with the main body after taking Bednore. The French envoy, Peveron, is accused of having kept back the intelligence he came to bring, in order to enable Tippoo to retain the aid of Cossigny (the French engineer), Lally, and Boudenot. The declaration could, at length, be no longer withheld. Cossigny quitted the Mysoor army, and insisted on his companions withdrawing likewise. Tippoo was beyond measure enraged by what he considered nothing short of treacherous desertion; and his late allies, as the sole means of escaping unhurt by his resentment, were glad to avail themselves of the protection of the English. After some unsuccessful attempts to carry the place by his own unassisted strength, he agreed to an armistice, to extend over the coast of Malabar. One leading condition was the supply of a stated monthly allowance of provisions to Mangalore, sufficient for the use of the garrison without trenching on their previous stock. This stipulation was broken by his furnishing articles deficient in quantity and deleterious in quality: no salt was sent, and many of the sepoys, Colonel Wilks affirms, became actually blind, as well as affected by various other ailments, in consequence of being compelled to eat rice in its simple, undigestible state, without the addition of any of the usual condiments. The Madras government were extremely anxious to conclude a peace; and to this circumstance, as also to the want of union among those in command, may be attributed the supineness of General Macleod and the scruples which prevented his effective interposition for the succour of Mangalore, which, after nearly a nine months' siege, fell before its cruel and perfidious foe. Colonel Campbell died soon after, overwhelmed with fatigue and disappointment. Tippoo had succeeded in his immediate object of proving to the native Indian powers his sufficiency to effect that which had baffled the skill and discipline of his French auxiliaries: in every other respect he had little reason to congratulate himself on the conquest of an inconsiderable place, purchased by a long and costly siege, which, besides having hindered his attention to the affairs of his own dominions, had left the English free to gain considerable advantages in other quarters. The misconduct of General Stuart, in the expedition to Cuddalore, had filled the measure of his offences, and induced the governor and council to order his arrest and forcible embarkation for England.* After this decisive measure matters took a different and far more favourable turn.

The abilities of Mr. Sulivan, the resident at Tanjore, and of Colonels Lang and Fullarton, had been successfully exerted in various ways. Caroor and Dindegul, Palgaut and Coimbatore, were captured; and Colonel Fullarton was even preparing to ascend the Ghauts and march on Seringapatam, when he received tidings of a treaty of peace concluded between Tippoo Sultan and the Madras government, on the basis of a mutual restoration of conquests. The so-called peace was, however, but a hollow truce, to which nothing but fear of the Mahrattas and the Nizam had driven the sultan. Throughout the whole of the negotiations he behaved in the most insulting manner to the British commissioners,† who had been inveigled to his court to be held up in the light of suitors for peace; and even when the treaty was concluded, the fulfilment of his pledge of restoring his captives to liberty, gave fresh occasion for resentment, by revealing the treatment to which they had been subjected. Hyder had shown little humanity in his dealings with English prisoners, whom he kept in irons, chained in pairs, because "they were unruly beasts, not to be kept quiet in any other way." But Tippoo Sultan far surpassed his father in barbarity, and the English learned, with horror and indignation, that many officers distinguished by rank, skill, or bravery, had been poisoned or assassinated in their dungeons; that others, especially the younger of these unfortunates, had suffered torture and ignominy of a revolting description; and that even the most fortunate among the captives had sustained close confinement in loathsome dens, their beds the damp ground; with food so miserably insufficient, as to give scope for the untiring fidelity and self-devotion of their native companions in affliction, to show itself by the frequent sacrifice of a portion of the scanty pittance

* One of the sons of Mohammed Ali expressed his view of the matter in broken English, by declaring "General Stuart catch one Lord [Pigot], one Lord [Macartney] catch General Stuart."

† Messrs. Sadleir, Staunton, and Hudleston.

allowed for their maintenance, in return for unremitting labour, to mend the fare of the European soldiers.*

The treaty entered into with Tippoo by the Madras authorities was transmitted to Bengal, and signed by the Supreme Council, on whom the full powers of government had devolved, owing to the absence of Mr. Hastings at Lucknow. On his return to Calcutta, Hastings found much fault with the treaty, especially because it made no mention of the nabob of Arcot. He drew up a new one, and peremptorily commanded the Madras authorities to forward it to Tippoo. Macartney positively refused compliance; Hastings could not compel it; and so the matter ended.

Close of Hastings' Administration.—Before the commencement of the war with Hyder, the financial condition of every one of the three presidencies had become seriously embarrassed. In August, 1780, the Supreme Council had been under the necessity of contracting a new debt, and when to this heavy burden on the Bengal revenues an additional one was added by the costly military operations required for the defence of the Carnatic, the governor-general felt compelled to announce to the directors the probability of a total suspension of the investment, unless the purchase-money were sent from England. Nothing short of the most absolute necessity could, however, induce Hastings to endanger his standing with the Court of Proprietors, by the execution of so unpopular a measure, while any source of supply remained available; yet such as there were had been already severely taxed. The Nabob of Oude and the Rajah of Benares were tributary princes. Viewed in this light, they were bound in all cases of difficulty to furnish assistance to the superior and protecting state. The degree of co-operation to be afforded was an open question, which Mr. Hastings, who now held undisputed sway in Bengal, thought fit to decide in person, and, with that intent, proceeded to the wealthy, populous, and venerated city of Benares. The rajah, Cheyte Sing, was the son and successor of Bulwunt Sing, whose alliance the English had courted during the war with Shuja Dowlah. The usurping nabobs of Oude had asserted the claim of the sword over the district of which Benares forms the capital, on the plea of its being a district dependent on their government. Bulwunt Sing made common cause with the English; and on the conclusion of peace, an article was expressly inserted to secure him from the vengeance and cupidity of the nabob-vizier. This proved increasingly difficult; until at length, in 1774, it was proposed by Mr. Hastings, as the sole mode of protecting the rajah, to insist on his being declared independent of Oude, and tributary to Bengal. A stated sum was fixed to be paid annually, and the Supreme Council unanimously decreed that no more demands of any kind should be made upon him on behalf of the company. Cheyte Sing forwarded the tribute to Patna with remarkable regularity; nevertheless, in 1778, the necessities of the presidency were considered to justify a demand for a heavy contribution (five lacs of rupees) to be furnished immediately. The rajah pleaded poverty, and asked for time; but troops were sent against him, and he was compelled to furnish the sum originally demanded, with a fine of £2,000 for military expenses. He had, unhappily, incurred the personal enmity of the governor-general, by courting Clavering and Francis during their brief day of power; and the offence was one Hastings was little disposed to let pass unpunished. In 1780, the system of exaction commenced against Cheyte Sing, was continued by a new demand of five lacs, from which he endeavoured to gain relief by arguments and supplications, enforced by a private offering of two lacs, which Mr. Hastings accepted, not as a part of the contribution, but as a distinct item, and then proceeded as before to exact the five lacs, with an additional mulct or fine of £10,000, for the trouble of compelling payment. In 1781, the unfortunate rajah was again importuned for supplies of money and troops; but this time unreasonable demands appear to have been made, simply with the object of provoking conduct which was to serve as a plea for the complete confiscation of his whole possessions. The amount now demanded was not to be less than fifty lacs, with a contingent of 1,000 men. The rajah be-

* Their exemplary conduct is the more deserving of admiration from the severe trials to which their fidelity had been recently exposed, as recorded in the pages of Wilks, Fullarton, and other military authorities. The mismanagement of the finances of the Carnatic had told fearfully on the condition of the army; even veteran sepoys, who had served under Clive, were but imperfectly, if at all provided for. Colonel Fullarton expressly states, that the natives under his command were nearly twelve months in arrear, and that many were driven to such extremities as to be compelled to sell their children into slavery to save themselves from starvation.—(*View of English Interests in India*, 1782 to 1784; pp. 98—201.)

haved with remarkable moderation: he doubtless guessed the views entertained by Hastings—either the seizure of his forts with their contents, or the sale of his dominions to the ruler of Oude; and he left no means untried to avert, by submission, evils which it was hopeless to combat by force. On the approach of the governor-general, he went to meet him with every demonstration of respect; and, in token of entire submission, laid his turban on the lap of the reserved and impassive Englishman, the last act of humiliation in a country, where, to be bareheaded, is considered unspeakable degradation. This conduct did not check, perhaps it accelerated the extreme measures adopted by Hastings, who asserted that besides falsely pleading poverty, the rajah was really plotting to become perfectly independent of the presidency; but to this charge his youth and inexperience afford the best contradiction, when viewed in cojunction with the unresisting manner in which he suffered the governor-general to take possession of Benares, though attended by a very slender escort, and even to go the length of arresting and confining him to his own palace. The two companies of sepoys placed on guard there, were not provided with ammunition, so little was any resistance anticipated on the part of this incipient rebel. The people were expected to witness, with indifference, the change of rulers. On the contrary, they were rendered desperate by an aggression which involved the downfall of one of their own race and religion, to be followed by the transfer of the sacred city and its fertile environs into the hands of aliens, who had no sympathies with their creed, and no interest in their welfare. Great crowds assembled round the palace and blocked up all the avenues; and before reinforcements with ammunition could arrive to support the sepoy guard, a furious attack had been made, in which the greater part perished. The rajah, so far from coming forth to head the mob, took advantage of the confusion to make his escape, and was let down the steep bank of the Ganges, by means of turbans tied together, into a boat which conveyed him to the opposite shore. The multitude rushed after him, leaving the palace to be occupied by the English troops. Had they at once proceeded in search of Hastings, no effective resistance could have been offered, since he had no protection beyond that of the thirty gentlemen of his party and fifty armed sepoys. Cheyte Sing had, however, no thought of organised operations against his persecutor, and he sent repeated apologies, and offers of the most complete submission, all of which were treated with contemptuous disregard. The numbers of the insurgents continued to increase; the building in which the English party had taken up their abode was blockaded, and the sole means of conveying intelligence to Bengal was by the subtlety of native messengers, who, taking advantage of the custom of laying aside in travelling their large golden earrings, because tempting to thieves, placed on this occasion not the ordinary quill or roll of blank paper in the orifice, but despatches from Hastings to the commanders of British troops to come to his rescue. Before these orders could be executed, affairs assumed a still more menacing aspect. A slight skirmish, brought on by a premature attack made by an English officer, at the head of a small body of men, on Ramnagur, a fortified palace beyond the river, terminated in the death of the leader, and many of his followers by the hands of the people of Benares. The survivors retreated; and Hastings, alarmed for his own safety, fled by night to the fortress of Chunar, leaving the wounded sepoys behind. The excitement spread for hundreds of miles; the husbandman quitted the field, the manufacturer his loom, and rallied round Cheyte Sing; the oppressed population of Oude rose against the misgovernment of Asuf Dowlah and his English allies; and even Bahar seemed ripe for revolt. The rajah at length assumed a haughty and defiant tone; but the absence of skill or discipline rendered the tumultuary force thus voluntarily assembled utterly incapable of taking the field against a European army, and the troops, under Major Popham, were everywhere victorious. The fastnesses of the rajah were stormed, his adherents, to the number of 30,000, forsook his standard, and returned to their ordinary avocations, while their late ruler quitted the country for perpetual exile. Benares was annexed to the British dominions. To save appearances, a relation of the banished ruler was appointed rajah, but, like the nabob of Bengal, he became a mere stipendiary, removable at the pleasure of the presidency. This tyrannical procedure completely failed in promoting the avowed object of Hastings—the attainment of a large sum of ready money; for, notwithstanding the indignities used in searching even the

persons as well as the wardrobes of the mother, wife, and other females of the family of Cheyte Sing (in violation of the articles of capitulation), the booty realised was not only unexpectedly small (£250,000 to £300,000), but was wholly appropriated as prize-money by the army.*. Thus the immediate effect of the expedition was to enhance the difficulties it was intended to relieve, by the expenses attendant on putting down a revolt wantonly provoked; and so far from meeting the approbation of the company, the conduct pursued towards the rajah was denounced as "improper, unwarrantable, and highly impolitic." Nevertheless, the war into which Cheyte Sing had been driven was held to justify his expulsion from Benares; and the positive declaration of Hastings, that an order for the reinstatement of the rajah would be regarded by him as the signal for his own instant resignation of office, probably prevented any step being taken to make amends for past wrongs.

The next expedient adopted to fill the empty treasury of Calcutta, was more successful in its results, but, if possible, more discreditable in character. Asuf-ad-Dowlah, the successor of Shuja Dowlah, was a young man, not devoid of a certain description of ability† and kindly feeling; but his better qualities were neutralised by an amount of indolence and sensuality, which rendered him a political nobody in the sight of the presidency, and a severe scourge to his subjects by reason of the extortions and cruelty perpetrated in his name by unworthy favourites. Already sundry concessions (such as the Benares tribute) had been extorted from him, which Hastings would never have so much as proposed to his father; and these, together with general misgovernment and extravagance, had reduced the treasury of Oude to a condition which left its master little to fear from the rapacity of his neighbours. Continued drought had heightened his distress, by diminishing the power of the people to meet the heavy taxation demanded from them; and he found himself unable to pay any portion of the arrears of his own mutinous troops, much less to maintain the costly detachment and the long train of officials, civil as well as military, forced upon him by the English.

In an evil hour he sought counsel with the governor-general at Chunar, pleaded poverty, and gave as one, among many reasons for inability to fulfil the heavy conditions into which he had been led to enter, the large proportion of his father's wealth bequeathed to his mother and grandmother. These princesses had been uniformly treated by Shuja Dowlah with the highest consideration and respect: his wife, especially, had won his entire confidence by repeated evidences of energetic and devoted affection. During his lifetime the chief direction of his pecuniary affairs had been entrusted to her management, and, after his death, the two ladies remained in possession of certain extensive jaghires, with other property, to a large extent; not for their exclusive use, but for the maintenance of the rest of his family and those of preceding nabobs, amounting (including female retainers of all kinds) to about 2,000 persons. The profligate prince had early coveted the inheritance of his relatives, and he continued to exact contributions from them, until his mother, wearied and alarmed by his importunities and injurious treatment, consented to surrender an additional sum of thirty lacs, on condition of his signing a formal pledge, guaranteed by the Supreme Council of Bengal, that she should be permitted to enjoy her jaghires and effects exempt from further persecution. This covenant, effected through the mediation of Bristowe, the English resident at Lucknow, was approved of and confirmed by the majority then dominant in Calcutta. Hastings disapproved, but being in the minority, could offer no effective opposition. In 1781, when his authority became again (for a time) supreme, he scrupled not to set aside all former promises by empowering the nabob

* Hastings would seem to have outwitted himself in this matter. The wife of Cheyte Sing was a person of high character, much beloved and esteemed, and safety and respect for her person, together with those of the other ladies of the family of the ill-fated rajah, were among the express terms of capitulation. Yet Hastings was unmanly enough to question the "expediency of the promised indulgence to the ranee," and to suggest that she would "contrive to defraud the captors of a considerable portion of the booty, by being suffered to retire without examination." The intimation did not pass unheeded. The defenceless ladies were subjected to the insulting search of four females, but with what effect does not appear; and their persons were further insulted by the licentious people and followers of the camp. But the officers and soldiery maintained that Hastings had expressly made over to them the whole profits of this nefarious transaction, and would not so much as lend a portion to government. The share of the commander-in-chief was £36,000.—(Mill, Moodie, &c.)

† *Vide* the charming stanzas translated by Heber.

to take possession of the jaghires of both princesses, as a means of paying his debts to the company; and, as a further assistance, the English troops, whose maintenance pressed heavily on the Oude revenues, were to be withdrawn. Mr. Hastings asserted, in justification of his conduct, that the begums had evinced an inclination to take part with Cheyte Sing; but the accusation is improbable in itself, and unsupported by any reliable evidence: their other alleged fault—of embarrassing the government of the nabob—was contradicted by the statements repeatedly forwarded by the English resident, of the persecutions endured by them at the hands of the local authorities. Asuf-ad-Dowlah (who, ever since the covenant signed in 1775, had been repeatedly violating it in different ways) was at first delighted at having his refractory relatives deprived of the protection to which they had constantly appealed; but on quitting Chunar, and regaining his own dominions, he began to consider the matter in a different light. Unsupported by the plausible reasoning of Hastings, the proposed plan of despoiling his mother and grandmother appeared fraught with ignominy; and Mr. Middleton (who had been recently restored to the position of British resident) described, in the strongest terms, the almost unconquerable repugnance evinced by the nabob towards the violent measures agreed on at Chunar. He was peremptorily informed, that in the event of his continued refusal, the seizure of the jaghires and personal property of the begums would be accomplished by the English without his co-operation. The weak and vacillating prince, fearful of the effect such an assumption of authority by foreigners might produce on the minds of his subjects, reluctantly consented to accompany the expedition sent to attack the princesses in their own territory, in the commencement of the year 1782. The town and castle of Fyzabad (the second place in Oude) were occupied without bloodshed, the avenues of the palace blocked up, and the begums given to understand that no severities would be spared to compel the complete surrender of their property. But here a serious obstacle presented itself. Even Middleton doubted what description of coercion could be effectually adopted, without offering an offence of the most unpardonable description to the whole native population; for the ladies were hedged in by every protection which rank, station, and character could confer, to enhance the force of opinion which, on all such occasions, is in the east so strong and invariable, "that no man, either by himself or his troops, can enter the walls of a zenana, scarcely in the case of acting against an open enemy, much less the ally of a son acting against his own mother."* In this dilemma it was deemed advisable to work upon the fears and sympathies of the begums in the persons of their chief servants, two eunuchs, who had long been entrusted with the entire management of their affairs. There is, perhaps, no page in Anglo-Indian history so deeply humiliating to our national feelings, as that which records the barbarities inflicted on these aged men, during a period of nearly twelve months. Certainly no other instance can be found equally illustrative of the false varnish which Hastings habitually strove to spread over his worst actions, than the fact that, after directing the mode of dealing with the eunuchs—by rigorous confinement in irons, total deprivation of food, and, lastly, by direct torture;† after inciting the indirect persecution of the princesses and the immense circle of dependants left to their charge by the nabob-vizier, by cutting off their supplies of food and necessaries;‡—after quarrelling with and dismiss-

* Middleton's defence. *Vide* House of Commons Papers, March, 1781; and Mill's *India*, vol. iv.

† The account of these disgraceful proceedings is very fragmentary, but amply sufficient to warrant the assertions made in the text. Three principal facts are on record. The first is a letter from Middleton to the English officer on guard, dated January, 1782, desiring that the eunuchs should "be put in irons, kept from all food," &c. The second is a letter from the same officer to the president, pleading the sickly condition of his prisoners as a reason for temporarily removing their chains, and allowing them to take a little exercise in the fresh air. This was refused, and the captives were removed to Lucknow. The third communication, addressed still by one company's servant to another, is a direct order for the admission of torturers to "inflict corporal punishment" on two aged prisoners accused of excessive fidelity to their mistresses; and lest the feelings of a British officer should rise against the atrocities about to be inflicted, an express injunction was added, that the executioners were to have "free access to the prisoners, and to be permitted to do with them whatever they thought proper."—(*Idem.*)

‡ The women of the zenana were at various times on the eve of perishing for want; and on one occasion the pangs of hunger so completely overpowered the ordinary restraints of custom, that they burst in a body from the palace and begged for food in the public bazaar, but were driven back with blows by the sepoys in the service of the E. I. Cy.—(Dr. Moodie's *Transactions*, p. 455.) Major Gilpin, the commandant of the guard, humanely advanced 10,000 rupees for the relief of these unfortunates,

ing his favourite *employé* Middleton, for having been backward in conducting a business from which a gaoler of Newgate prison might turn with disgust,—he, nevertheless, when it became advisable to adopt lenient measures (since no further payments could be extorted by cruelty), had the consummate hyprocrisy to remove the guard from the palace of the begums, and release the eunuchs, on the express understanding that their sufferings had proceeded from the nabob and his ministers, but their release from his own compassionate interference. The previous ill-feeling justly entertained by the princesses and their adherents against Asuf-ad-Dowlah, probably lent some countenance to this untruth; and the commanding officer by whom the eunuchs were set at liberty, described, in glowing terms, the lively gratitude expressed by them towards their supposed liberator. "The enlargement of the prisoners, their quivering lips and tears of joy, formed," writes this officer, "a truly affecting scene." He adds a remark, which could scarcely fail to sting the pride, if not the conscience, of one so susceptible of censure in disguise—"If the prayers of these poor men will avail, you will, at the last trump, be translated to the happiest regions in heaven."* In the benefits to be derived from the recent despoliation, Hastings hoped to share largely, for he expected that the E. I. Cy., in gratitude for an accession of £600,000 to their exhausted treasury, would cheerfully assent to his appropriation of the additional sum of £100,000, which he had actually obtained bonds for from Asúf-ad-Dowlah at Chunar. An extortion like this, commited at a time when the excessive poverty and heavy debts of the nabob-vizier, the clamours of his unpaid troops, and the sufferings of the mass of the people, were held forth in extenuation of the oppression of his mother and grandmother, together with other acts of tyrannous aggression, needs no comment. The directors positively refused to permit his detention of the money, and, moreover, commanded that a rigorous investigation should be instituted into the charges of disaffection brought against the begums; and that, in the event of their innocence being proved, restitution should be made.

* Parl. Papers, quoted by Mill, iv., 458.

† Letter of Hastings to council, 1784. They gave rich gifts to Mr. Hastings in the form of chairs and couches of exquisitely carved ivory, &c.

‡ Except a heavy exaction from Fyzoolla Khan.

Hastings strongly deprecated this equitable measure. He urged that the evidence offered under such circumstances would be sure to be favourable to persons whose cause should be so manifestly upheld by the company; and supported his views on the subject by many characteristic arguments, such as its being unsuitable to the majesty of justice to challenge complaint. A compromise was effected; the nabob, at his own urgent desire, was permitted to restore the jaghires wrested from his relatives; while the ladies, on their part, thankful for even this scanty justice, "made a *voluntary* concession of a large portion of their respective shares" of the newly-restored rents.†

This transaction is the last of any importance in the administration of Warren Hastings.‡ Various causes appeared to have concurred to render him as anxious to resign as he had once been to retain his post. The absence of his wife, to whom he was tenderly attached, and his own failing health, had doubtless their share in rendering him weary of a task, the difficulties of which had been lately increased by a change in the council-board calculated to destroy the despotic power essential to the policy of a ruler, whose measures, however cleverly planned and boldly executed, were rarely of a character to bear impartial, much less hostile criticism. Beside these reasons, his opponents suggested that of recent private extortions from the nabob-vizier; and it cannot be forgotten, that although he pleaded urgent necessity as an inducement for the directors to suffer him to appropriate the bonds obtained at Chunar, yet, about three years later, he was enabled, notwithstanding his habitual extravagance, to bring home a fortune avowedly not far short of £100,000, apart from the costly jewels exhibited by Mrs. Hastings, and the well-furnished private purse which there are grounds for believing her to have possessed.

The prolonged administration of Hastings, his winning manners, and conversance with native languages, together with the imposing effect of the state by which he had, from motives of policy, thought fit to surround himself, made a deep impression on the minds of the Indian population. I have myself met with ballads, similar to those alluded to by Heber and Macaulay, which commemorate the swift steeds and richly-caparisoned elephants of "Sahib Hushting;" they likewise record his victory over Nuncomar who refused to do him homage.

The Indian version of the story makes, however, no mention of the accusation of forgery, but resembles rather the scripture story of Haman and Mordecai, with a different ending. The Bengalees possibly never understood the real and lasting injury done them by Hastings, in fastening round their necks the chains of monopoly, despite the opposition of his colleagues, and contrary to the orders of the company. Once fully in operation, the profits of exclusive trade in salt and opium* became so large, that its renunciation could spring only from philanthropy of the purest kind, or policy of the broadest and most liberal character. With his countrymen in India, Warren Hastings was in general popular. It had been his unceasing effort to purchase golden opinions; and one of the leading accusations brought against him by the directors, was the wilful increase of governmental expenses by the creation of supernumerary offices to provide for adherents, or to encourage those already in place by augmented salaries. His own admissions prove, that attachment to his person, and unquestioning obedience to his commands, were the first requisites for subordinates; and the quiet perseverance with which he watched his opportunity of rewarding a service, or revenging a "personal hurt," is not the least remarkable feature in his character.

He quitted India in February, 1785. Notwithstanding the unwarrantable measures adopted by him to raise the revenues and lessen the debts of the company, he failed to accomplish these objects, and, on the contrary, left them burdened with an additional debt of twelve-and-a-half million, and a revenue which (including the provision of an European investment) was not equal to the ordinary expenses of the combined settlements.† Doubtless, great allowance must be made for the heavy drain occasioned by the pressing wants of the Bombay and Madras presidencies, and decided commendation awarded for the energetic steps taken to avert the ruin in which the Mahratta war and the invasion of Hyder threatened to involve these possessions: but it is equally true, that the double-faced and grasping policy of the governor-general tended to neutralise the benefit of his courage and decision, and, as in the case of Lord Pigot, fomented, instead of allaying, the evils of dissension and venality, which were more destructive to the interests of the E. I. Cy. than any external opposition.

Had Hastings resolved to abide by the conviction which led him on one occasion to exclaim, that he "wished it might be made felony to break a treaty," the consequences would have been most beneficial both to India and to England, and would, at the same time have saved him long years of humiliation and anxiety. He little thought that the Rohilla war, the sale of Allahabad and Oude, and the persecution of the Begums, would rise in judgment against him on his return to his native land,—bar his path to titles and offices of state, and compel him to sit down in the comparatively humble position which had formed the object of his boyish ambition, as master of Daylesford, the ancient estate of his family.

But Francis, now a member of parliament, had not been idle in publishing the evil deeds which he had witnessed without power to prevent; and Burke, whose hatred of oppression equalled his sympathy for suffering, brought forward the impeachment as a question which every philanthropist, everyone interested in the honour of England or the welfare of India, was bound to treat as of vital importance. Political motives, of an exceptionable character, on the part of the ministers, favoured the promoters of the trial; and after many tedious preliminaries, Warren Hastings appeared at the bar of the House of Lords, and knelt before the tribunal of his country, in presence of one of the most remarkable assemblages ever convened in the great hall of William Rufus. Of the brilliant aristocracies of rank, talent, wealth, and beauty, of which England then boasted, few members were absent. The queen and princesses had come to witness the impeachment of a subject known to

* The 12th article of impeachment against Hastings set forth, "that he granted to Stephen Sulivan, son of Lawrence Sulivan, chairman of the Court of Directors, a contract for four years the provision of opium; that in order to pay for the opium so provided he borrowed large sums at an interest of eight per cent., at a time when he declared the drug could not be exported with profit; and yet he sent it to China, which was an act of additional criminality, *as he knew that the importation of opium was prohibited by the Chinese.*" Sulivan sold the contract to a Mr. Benn for £40,000; Benn to a Mr. Young for £60,000; and the latter reaped a large profit.—(Mill.)

† A comparison of the receipts and disbursements of the year ending April, 1786, exhibited a dificit of about £1,300,000. The arrears of the army amounted to two million; and "the troops at Madras and Bombay were in a state of utter destitution, and some of them in open mutiny." The ascertained Bengal debt alone was about four million sterling.

have enjoyed no ordinary share of royal favour, and to listen to the charges urged against him by the thrilling eloquence of Burke, the solid reasoning of Fox, and the exciting declamation of Sheridan. The trial commenced with a strong feeling on the part of the public against the accused; but it dragged on, like most state proceedings, until people ceased to care how it ended. At length, after seven years spent in law proceedings of a most tedious character, the wrongs inflicted in a distant clime, and at a distant period, became almost a matter of indifference: a sort of sympathy, such as is often felt for acknowledged criminals, took the place of lively indignation; and when the inquiry ended in the acquittal of Hastings, he was generally believed to have been sufficiently punished by the insuperable obstacles which his peculiar position had imposed to prevent his selection for any public office, and by the ruinous condition to which his finances had been reduced by the costly expenses, legitimate and illegitimate, of the painful ordeal through which he had passed. The law charges alone exceeded £76,000. Probably still larger sums were expended in various kinds of secret service—"in bribing newspapers, rewarding pamphleteers, and circulating tracts;"* beside £12,000 spent in purchasing, and £48,000 in adorning, Daylesford: so that Hastings, when finally dismissed, turned from the bar of the House of Lords an absolute pauper—worse than that—an insolvent debtor. The company came to his relief with an annuity of £4,000 a-year, and a loan of £50,000, nearly half of which was converted into a gift; and they continued to aid him at intervals, in his ever-recurring difficulties, up to the period of his death, in 1818, aged eighty-six.

Martin's Indian Empire vol. I, p. 321.

* Macaulay's *Essay on Hastings*, p. 100.

APPENDIX.

Modern opinions on Moharaja Nundo Coomar's Trial.

Note with reference to the trial of Moharajah Nundo Comar in 1775, prepared for Sir James Stephen, and printed by direction of one of the Judges of Her Majesty's High Court of Calcutta.

(1) AS TO HOW FAR THE SUPREME COURTS INTRODUCED ENGLISH PENAL STATUTES INTO THE PRESIDENCY TOWNS.

It was by the Charter 13th, Geo. 1, 1726, "that all the common and statute law at that time extant in England was first introduced into the Indian Presidencies." Clarke's Rules and Orders (1829), Preface IV.

In a case against James Fowke and others for conspiracy, which was tried in the late Supreme Court of this Presidency, before the Full Bench of Judges, in 1775, the question was raised whether either the common law, or the statute law, of England was applicable to this country. Nothing further appears, except that the case went to, and was disposed of by the verdict of the jury. See *post* page 19.

In a case [a] tried in 1786 before three Judges, in which a Native was indicted, under 2 Geo. II, C. 25, s. 2, [b] for stealing a bill of exchange, and was found guilty and sentenced to imprisonment—

Chambers, J., was of opinion that the statute did not extend to Bengal.

Hyde, J., was of opinion that it did extend to Bengal.

Jones, J., was in doubt but agreed that the trial should proceed.

It was not till 1794 that it was held in a case [c] in which a native was indicted for having assaulted a female child under ten years of age and having feloniously known her carnally *against the form of the statute*, that the statute did not extend to this country, with the result that the accused was discharged.

It appears from the editor's note at the foot of that case, [d] that the effect of that decision was to settle the question only so far as it related to Natives, and not generally. But so far as it did settle the question, the result was that, previous to 9 Geo. 4, C. 74, in cases subject to the jurisdiction of the Supreme Court, to which the English penal statutes were inapplicable, there was no law that could be applied, except the common law as it prevailed in England in 1726.

The following unreported cases have been selected from numerous similar cases:—

1793. Chrishnamani.—Larceny. Let her be burnt in the hand and imprisoned for three months with hard labor.

1795. Sheik Mahomed.—Manslaughter. Let him be burnt in the hand and imprisoned for one year.

1795. Francis Rosa and others.—Burglary. Death.

1795. Rogonauth Kumar.—Grand Larceny. Let him be burnt in the hand and imprisoned with hard labor until 24th July 1797, and then let him pay a fine of one rupee to the King.

1795. Gungaram Mitter and Cungali. Assault with intent to kill. Let them and each of them be imprisoned for one year, and let them give security in 500 sicca rupees each for their good behaviour for three years, and let them be further imprisoned until they shall have given such security.

1795. Sorup Poddar, Mohun Sing, Muttris, Gungaram, and Ramjoy.—Conspiracy to make and utter false coin. Let them and each of them be imprisoned in the common gaol until 4th January next and on that day let them be taken to the Lal Bazar, and there placed upon the pillory for two hours and let them be again

[a] R. v. *Collipersaud Ghose*, December 23rd, 1786, Morton, 356.

[b] This statute was passed in 1729.

[c] R. v. *Chundi Churn Bose*, July 18th, 1794, Morton 35 7, Chambers, Hyde andDunkin, J. J.

[d] *Ib.* note.

36779

imprisoned in the said gaol until 18th January next, and on that day let them be taken to the south end of Bura Bazar and whipt from thence to the north end, and back again, and let them and each and every of them be imprisoned in the said gaol until the 18th January 1797, and on that day let them be again taken to the Bura Bazar, and whipt and then let them be carried back to the said gaol and there imprisoned until 19th January 1797, and on that day let such of them as shall not by the sentence of this Court be further imprisoned for other convictions pay a fine of one sicca rupee each to the King and give security in the sums of Rs. 2,000 each for his good behaviour for two years, and let them be further imprisoned until they shall have given such security.

1796. Parbutty Raur.—Receiving stolen goods. Let her be imprisoned in the common gaol until 8th August instant, and on the day let her be taken to the Burra Bazar and whipt and then let her be discharged on paying a fine of one rupee to the King.

1796. Hingun, *alias* Seeboo.—Petty Larceny. The like sentence.

1796. Pehled Buckett, *alias* Attaram Buckett.—Perjury. Let him be imprisoned for six months and then pay a fine of one Rupee to the King.

1796. Meer Golam Ali,—Robbery. Death.

1799. Soomuttra.—Let her be imprisoned in the common gaol until Friday next the 13th of this instant December; and on that day let her be taken to the Lall Bazar and there placed in and upon the pillory for one hour and then let her be again imprisoned in the said gaol until the 14th day of December instant, and on that day let her be taken to the police office and whipped from thence to the house of Mr. Willoughby Leigh's in the Bow Bazar and back again, and let her be then imprisoned in the house of correction until Monday the 13th day of January 1800, and on that day let her be again tnken to the Police Office and again whipt and let her then be carried back to the house of correction and kept to hard labor until Thursday the 13th February next, and let her be again taken to the Police Once and again whipt and let her then be carried back to the said house of correction and there kept to hard labour for two years.

1800. Berjoo Mohan Dutt.—Stealing in a dwelling-house above the value of 40 shillings. Death.

1800. Hurry Paul, Persaud Paul and Ramjoy Choityan.—Highway Robbery. Death.

1800. Shisno Persaud Sreemany.—Forgery. Let him be taken to the Lall Bazar and there placed upon the pillory for one hour and let him be imprisoned in the house of correction for two years with hard labour.

As the record of this case of forgrey which was tried in 1800 is not forthcoming, the information given with respect to it was obtained from the Calendar for that year, and is all that can be obtained.

As the result of an exhaustive search, fragments of the Court Minute-books for 1769, 1770, 1771, 1772 and 1789, and the Calenders for some of the sessions held between 1782 and 1798—all worm-eaten and tatterd—have been found. Looking through these, I have obtained the following particulars in relation to a case of forgery which was tried on the 16th of January 1789, before Sir Robert Chambers, Mr. Justice Hyde and Sir Willam Jones.

Martirus Shabin.—For forging of a bond and publishing a forged bond knowing it to be forged. Found guilty of publishing. *Sentence.*—Ler him pay to Dustague Petruse the party aggrieved, the sum of 128 sicca rupees being double the costs and damages by her expended and sustained by the reason of the forged bond for the publishing of which he has been convicted, and let him be committed into the custody of the Sheriff of Calcutta in execution until payment of the said sum of 128 sicca rupees, and let him on Monday, the 16th day of February next, be carried to Lall Bazar where the four roads meet and there placed in and upon the pillory for the space of one hour between the hours of eleven in the forenoon and two in the afternoon and let one of his ears be then and there cut off, and let him be imprisoned without bail or mainprize for the space of one year to be computed from this day.

When the old Supreme Court House

was about to be dismantled, preparatory to the erection on its site of the present Court House, and it became necessary to remove the records of the Court to another building, the criminal records suffered very much. They were in fact treated as waste paper, and what now remains of those records were rescued from destruction by myself. I mention this as a reason why no case of forgery has been found between 1775 and 1789. It seems improbable that there should have been no such case during an interval of 14 years.

The authority which eventually led the Indian Courts to refuse to apply the English statutes which had been enacted since the granting of the Charter of George I, and in which their extension to India was not specially declared, after having applied them for so many years, is to be found in Calvin's case. Clarke's Rules and Orders 1, Preface VI.

Chief Justice East in his evidence before the House of Lords in 1830 observes upon this subject—"The period at which the general statute law stops in regard to this presidency, is that of the constitution of the Mayor's Court at Calcutta, when those who established that construction said, upon the doctrine of Calvin's case, that the British law was then first given to this, as to a British Colony, and that as such it could not be included in any subsequent statute unless specially named." Smoult and Ryan's Rules and Orders, Preface V, *note.*

The doctrine in Calvin's case is that the laws of a conquered country, except in so far as they are contrary to the Christian religion or natural morality, remain in force until changed by competent authority[a]. The rule which was established upon that doctrine was that, as there had been no general extension of British Law into India after the institution of the Mayor's Court in 1726, this presidency could not be included in any subsequent statute unless specially named. The practical result was that the statute law which prevailed in England in 1726, and the statute law afterwards enacted and expressly extended to India, formed the law applicable to all persons over whom the Supreme Court had jurisdiction, that is, to European British subjects who resided within the Court's *general* jurisdiction, and to Natives who were, in law, inhabitants of Calcutta. Clarke's Rules and Orders, Preface VII. See charge of Ryan, J., to the Grand Jury Smoult and Ryan, App. XXXIV.

Referring to Calvin's case, Chief Justice East has stated "that the rule of law in this case is merely technical, that its application is doubtful, and that it is difficult to imagine that the result which has been produced could have been foreseen or intended." Clarke's Rules and Orders, Preface VI.

In his charge to the Grand Jury in 1829, Chief Justice Ryan observed—"From a construction which former Judges of the Court have put upon the Act of the 13th of Geo. III and the King's Charter, it has been considered that the inhabitants of Calcutta are not entitled to the benefit of the statute law of England to a later period than the 13th of Geo. I, unless expressly named in statutes passed since that time. From this construction of the Charter, founded on technical rules of law, it has followed that many important and salutary acts relating to the administration of criminal justice passed in England since that period, have been held not to apply to this country." Smoult and Ryan's, App. XXXIV.

The precise time when that construction was put upon the Charter is not mentioned, either by Chief Justice East or Chief Justice Ryan. The Judges were evidently slow to adopt that construction. It would seem that it was not until 1786 that any doubt was entertained as to whether 2 Geo. II, C. 25, was applicable to this country. The result of the case[b] tried in that year, in which that question was considered by three Judges, was that the accused was convicted and punished under the statute.

Further it would seem that that decision was followed until the question was again raised in 1794, when it was held that the statute was not applicable to this country[c], that is, to the Natives of this country[d].

This state of things continued until 1828, when all doubt and uncertainty was removed by 9 Geo. IV, C. 74.

The earliest legislative enactments relating to the administration of Criminal Justice in the Presidency Towns which were passed in this country, under the provisions of 3 & 4 Will. C. 85, were Act XXVIII of 1838 and Act XXXI of 1839. See charges

[a] 4 Coke. 17b, 23.

[b] See *ante*, p. 1. [c] See *ante*, p. 1. [d] See *ante*, p. 1.

to the Grand Jury of Ryan, J., and Ryan, C. J., Smoult and Ryan, App. XXXI, XLVI, LIII.

As to the Criminal Jurisdiction of the Supreme Court, see Charter 14 Geo. III, section 19; 13 Geo. III, C. 93, sections 13 and 14; 26 Geo. III, C. 57, section 29, making the servants of the Crown resident in India amenable to the Courts of Oyer and Terminer and of general or quarter sessions for all criminal offences committed in Asia, Africa, or America, between the Cape of Good Hope, and the Straits of Magellan, within the limits of the Company's Trade; and 33 Geo. III, C. 52, section 67, making His Majesty's subjects amenable to all Courts of Justice both in India and Great Britain for offences committed in the territory of Native Princes. See also the notes of cases in Montrious Morton, 206—223.

The procedure followed in all Criminal cases was the English Procedure as modified by the Crown Rules passed by the Supreme Court under its Charter, section 38.

By 7 Geo. IV, C. 37, section 1 [5th May 1826], *all persons* resident in Calcutta not being the subjects of any foreign state, were declared eligible to serve on juries, and the Jury Rules, passed under the provisions of section 4 of that Statute, were made applicable to all.

(2) As to whether other persons, Europeans or Natives, besides Nundo Comar, were hanged for offences other than murder.

The following are unreported cases in which the accused were found guilty of offences other than murder, and were sentenced to be hanged:—

1795. Francisco Rossa Antonio Buafas, Francisco Blanc Joze, Juil Mathews, Cazarnarie, otherwise called Mathias, and Ram Mohun Paul, otherwise called Mohun Paul.—Burglary.
1797. Meer Golaum Ali.—Robbery.
1799. Seeboo.—Burglary.
1800. Birjoo Mohun Dutt.—Stealing from a dwelling-house above the value of 40 shillings.
1800. Hurry Paul, Persaud Paul, and Ramjoy Choolyar.—Highway Robbery.
1801. Rogo Nauth Dey.—Burglary.
1802. Bejoo—Stealing in a dwelling-house to the value of 4 shillings.
1803. Manuel Joze.—Burglary
1803. Ramjoy Pode and Bejoyram Pode.—Burglary.
1804. Burkoordaur.—Burglary.
1806. James Campbell.—Maiming.
1807. Gorachand Chandal.—Burglary.
1811. Conny Das and Gosain Das Ghose.—Robbery. [Commuted to transportation for life.]
1813. Patrick Oneal, *alias* Captain Chalk.—Robbery.
1814. Edward Gallaher, *alias* Michael Gullahee.—Felony.
1817. Isaac Mooltram.—Felony. Attempting to kill by shooting.
1819. Hurry Narain Sircar.—Larceny in a dwelling-house. [Commuted to transportation for life.]
1819. George Frederick Lawrient.—Larceny in a dwelling-house.
1819. Joygopal, *alias* Radhoo.—Felony and Larceny. [Commuted to transportation for 7 years.]
5 Other cases—Felony and Larceny. [Commuted to transportation for 7 years.]
1819. Trozes de Rozario.—Burglary. [Commuted to transportation for 3 years.]
1820. [Muzra.—Burglary. [Commuted to transportation for 7 years.]
1820. Afzul Ali.—Burglary. [Commuted to transportation for life.]
1820. Lucy, *alias* Luckee and Hingun.—Larceny. [Commuted to transportation for 7 years.]
1 case Burglary. } Like sentence.
1 „ Robbery. }
1821. Lewis de Souza.—Felony. [Sentence respited until His Majesty's pleasure is known.]
1821. Burglary. [Commuted to transportation for life.]
1821. Larceny. [Commuted to transportation for life.]
1821. Larceny. [Commuted to transportation for 7 years.]
1821. Burglary. [Commuted to transportation for 14 years.]
1821. Felony and Larceny. [Commuted to transportation for 7 years.]
1821. Rape. [Commuted to transportation for 7 years.]

I have been unable to find any case in which after 1819 the sentence of death was carried out for an offence other than murder.

(3) AS TO NUNDO COMAR'S TRIAL, HOW, WITH WHAT FORM, &c., IT WAS HELD, WHETHER IT WAS PERFECTLY FAIR, &c.

The bundle ticketed as "Moharajá Nundo Comar's case" contains the following documents :—

(1) Recognizances to prosecute, dated 24th April 1775.

(2) Recognizances to apear at the trial, dated 24th April 1775.

(3) Affidavit of Clement Francis and Walter Gooddie, Surgeons, sworn 21st June 1778, stating that Joseph Fowke (one of the accused) was too ill to attend the Court to take his trial.

(4) Memorial (without date) of Radha Churn (one of the accused) stating that he is not subject to the British laws, and praying for the interference of the Government.

(On the back).

Read 21st June 1775.

(5) Affidavit of Radha Churn, sworn 28th June 1775, stating that he is the public minister of the Nabob of Bengal, Behar and Orissa, charged with conducting his affairs with the East India Company, and that he has not been in the employ of the Company or any British subject.

(On the back).

Read 28th June 1775.

J. P.

(6) Affidavit of William Readfern, 28th June 1775, with an English translation of a letter of credence, dismission and reappointment of Roy Radha Churn as vakeel to the Nabob.

(On the back).

Read 28th June 1775.

(7) Affidavit of George Hurst, sworn 27th June 1775, in support of the contention that the Nabob was not an independent Prince.

(On the back).

Read 28th June 1775.

(8) Affidavit of Warren Hastings, sworn 28th June 1775, stating that the President and Council appointed the relict of the late Nabob to be the guardian of the then Nabob, and the son of Nundo Comar to be the Dewan of the household and fixed their salaries; that the President and Council did, in August 1772, plan and constitute regular district Courts of Justice, Civil and Criminal, for the administration of justice throughout Bengal without consulting the Nabob or requiring his concurrence, and that the Civil Courts were made solely dependant on the Presidency of Calcutta, and that the Criminal Courts were put under the inspection and control of the Company's servants, although ostensibly under the name of the Nazim.

This is followed by extracts from the plan for the administration of Justice, constituted by the President and Council.

(On the back).

Read 28th June 1775.

J. P.

(9) Petition from Lieutenant-General John Clavering and the Honorable George Monson and Philip Francis to the Judges, dated 3rd July 1775, forwarding the translation of a letter from the Nabob to the Governor General and Council and requesting "that you will be pleased to inform us in what light we are to consider those declarations which we understand have been made from the Bench publicly denying the sovereignty of the Nabob," &c.

(On the back).

Read in Court.
The 6th July 1775.
J. P.,
Clerk of the Crown.

(10) Translation of the letter from the Nabob, protesting against complaints against his vakeel being entertained.

(On the back).

Read in Court.
6th July 1775.
J. P.,
Clerk of the Crown.

(11) Indictment.—The parchment itself has not suffered much, but the writing has been nearly obliterated by the operation of time and is now scarcely decipherable. On the back some illegible writing is followed by

True Bill
(Name illegible),
Foreman.

These documents all relate to the trials for conspiracy. The record of the trial for forgery is not forthcoming. There is, however, in the possession of the Calcutta Bar Library, besides the original manuscript Note-books of Mr. Justice Hyde, to which some reference should be made, a quarto volume containing a full printed report of Moharaja Nundo Comar's trial for forgery, extending over 119 pages, and of three other trials, each paged separately, with two title pages, the first of which, prefixed to Nundo Comar's trial, is as follows:—

THE
TRIAL
OF
MOHA RAJA NUNDO COMAR BAHADOOR
FOR
FORGERY
Published by Authority of the Supreme Court of Judicature in Bengal.

LONDON
Printed for T. Cadell, in the Strand.
MDCCLXXVI.

The other title page is as follows:—

THE
TRIAL
OF
JOSEPH FOWKE, FRANCIS FOWKE, MOHA RAJA NUNDO COMAR, AND ROY RADHA CHURN
FOR A CONSPIRACY AGAINST
WARREN HASTINGS, ESQUIRE;
AND THAT OF
JOSEPH FOWKE, MOHA RAJAH NUNDO COMAR, AND ROY RADHA CHURN,
FOR A CONSPIRACY AGAINST
RICHARD BARWELL, ESQUIRE,
To which are prefixed several Depositions
AND
An Examination into the claim of Roy Radha Churn to the Privilege of an Ambassador, as Vakeel of Mubarick-ul-Dowla.

LONDON
Printed for T. Cadell, in the Strand.
MDCCLXXVI.

The first ef the existing volumes of Mr. Justice Hyde's Note-books commences on the 6th of July 1775, that is, after Nundo Comar's trial, which commenced on the 8th of June 1775. It contains Mr. Justice Hyde's notes of the trials for conspiracy, prefaced by the following pencil memorandum in his own handwriting:—

"Memo.—This trial was printed in "London in 1776 for Cadell in the Strand. "This trial consists of 34 pages in quarto, "*and all these Trials together make a thin* "*quarto book. These trials and the case* "*of Roy Radha Churn were printed from* "*a copy revised by Sir E. Impey, Mr.* "*Justice Lemaistre and Mr. Justice Hyde.*"

"This trial for the conspiracy of Joseph "Fowke, Francis Fowke, Maha Raja Nundo "Comar and Roy Radha Churn, against "Mr. Hastings, is in my original Note-book, "Vol. 2, beginning at page 70, and ending atn "page 186."

"It began July 6th, 1775. It ended "July 10th."

"The Jury were all sworn at eleven, at "seven in the evening adjourned. At the "end of the examination-in-chief of Comaul-"o-Deen, which is in page 11 of the printed "trial, and page 106 in my "Note-book or "Reports, Vol. 2. The Court and trial were "adjourned."

"Printed trial, page 11, Note-book page "110, Friday, July 7th, the cross-examina-"tion began."

"Printed trial, page 21, Hyde's Reports, "vol. 2, page 146, July 8th, began with the "examination of Mr. Hastings."

"Printed trial, page 29, Hyde's Report, "158, July 10th, begins with the examina-"tion of Mr. Hastings."

"The next trial begins on July 13th, 1775 "and ended."

There was an earlier volume of Mr. Justice Hyde's Note-books, which must have included the period of Nundo Comar's trial, but that is not forthcoming. The only other source from which the particulars of that trial can now be obtained, is the printed report, which, as appears from Mr. Justice Hyde's pencil memorandum was, with the other trials, printed from a copy revised by Sir Elija Impey, Mr. Justice Lemaistre and Mr. Justice Hyde, and which,

as appears from the title page, was published "by authority of the Supreme Court." It may, therefore, be accepted as reliable; especially as it was published soon after the trial, when the facts were fresh in the recollection of Nundo Comar's friends, and the accuracy of its statements has never been questioned.

The trial took place, not before any single Judge, but before all the Judges, namely,—

The Honorable Sir Elijah Impey, *Chief Justice.*
„ Robert Chambers, }
„ Stephen Cæsar Lemaistre, } *Puisne Judges.*
„ John Hyde, }

It was conducted in the usual mode, and with every consideration for the accused.

It appears that the accused was not only informed of his right of challenge, but that he exercised it freely, that is, against eighteen gentlemen, and then that the following jury was sworn:—

"Edward Scott,
"Robert Macfarlin,
"Thomas Smith,
"Edward Ellerington,
"Joseph Bernard Smith,
"John Robinson,
"John Fergusson,
"Arthur Adie,
"John Collis,
"Samuel Touchet,
"Edward Satherthwaite,
"Charles Weston."

It also appears that the Court of its own motion, on several occasions during the trial, interfered on behalf of the accused.

The alleged forged bond bore the impression of the seal of Comaul-o-Deen as that of an attesting witness. Comaul-o-Deen, when examined on the trial, denied that the seal had been affixed to the bond by him, or with his knowledge or consent and stated how Nundo Comar had obtained possession of it, namely, that he had sent for it in order that he might seal a petition to the Nabob on his behalf; that accordingly he had sent the seal with a letter to Nundo Comar; and that he received a letter from Nundo Comar acknowledging the receipt of his letter. Thereupon the following took place:—

"*Counsel for prisoner.*—I admit the "Maharaja had the letter.

"*Counsel for Crown.*—Read the letter.

"*Court.*—Go through with your evidence.

"*Counsel for Crown.*—The letter does "not say the seal was received; but it ac- "knowledges the receipt of the letter, and "the seal was enclosed in the letter.

"*Court to prisoner's Counsel.*—Do you "see the consequence? Do you admit it?

"*Counsel.*—I have duly weighed what "your Lordship said, and therefore will not "admit it." [See *printed Report*, p. 10.]

On the examination of Raja Nobokissen, another witness for the prosecution, the prisoner desired he might ask him a question.

"*Court.*—Let him consult his Counsel before he asks the question. [The question being overheard by Nobokissen, he said 'Moharaja Nundo Comar had better not ask me that question': Upon which Nundo Comar declined asking the question."]

"*Court to Jury.*—You must receive no "prejudice from this; you must forget the "conversation, and judge only by the evi- "dence at the bar."

"The jury said they would judge only "by the evidence." [*Printed Report*, p. 27.]

Again when "the Counsel for the Crown attempted to call Keree Doss Pattuck to the matters deposed by Subboh Pattuck, which was opposed by the Counsel for the prisoner; and Mr. Justice Chambers being of opinion, that the contradiction upon his evidence was such that he ought not to be believed upon his oath, the Court refused to suffer him to be called." [*Printed Report*, p. 30.]

"Mr. Justice Lemaistre having suggested that Dr. Williams had informed him that Gungabissen might be brought into Court on a cot to give his evidence, and the jury being very desirous to hear it, the Court declared their opinion that Gungabissen having a great interest in the estate of Bollakey Doss, which was divided by his will in shares accordingly to the component parts of a rupee, the Counsel for the Crown would not be entitled to call him; the prisoner was therefore told to advise with his Counsel, and say whether he wished to have him called. The Court at the same time acquainted the jury that as Gungabissen was a witness who would not be called on the part of the Crown, they must receive no prejudice if the prisoner declined calling him; because, if called by the Crown, he would have a right to object to him, on account of his interest." [*Printed Report*, p. 32.]

When the Counsel for the Crown tendered an account, the Court rejected it as inadmissible. "This account is properly no evidence; it is not delivered in by an executor; and very little would arise from it if it had been signed by the executor; for, as the money had certainly been paid, whether properly or not, the executor would have brought it into his account; otherwise he would have been himself chargeable with it." [*Printed Report*, p. 35.]

While Choytun Nauth, a witness for the defence, was under examination, "the Court, desirous of elucidating every part of this witness's evidence, asked Mr. Elliot [who acted in the case as an Interpreter] if he was certain that the witness understood him. Mr. Elliot being sworn, answered: The witness seems to understand what I have said perfectly well. I have no doubt of his understanding me: he seems to me to understand Moors as well as any man I have examined and speaks it more grammatically than common Bengalers do. I am sure he understood the questions I asked respecting the sum." [*Printed Report*, p. 52.]

This was confirmed, upon oath, by Mr. Jackson and Mr. Jebb, who also acted as Interpreters, and by "Mr. Weston, one of the jury, well conversant in the language, who being asked whether he thought the witness understood Mr. Elliot, answered, he certainly understood him; he understands Moors perfectly well, and speaks it better than he does Bengally." [*Printed Report*, p. 52.]

But to put the matter beyond doubt, the questions respecting the amount of the bond, which were at first put to the witness in "Moors," were afterwards repeated to him in Bengalee. [*Printed Report*, p. 52.]

At the end of the evidence of this witness is the following note:—"He proves a "seal of Bollakey Doss to three envelopes, "which had been opened, and which the "Counsel for the prisoner offered in evidence, "but was overruled by the Court, there "being no signature from Bollakey Doss to "the papers enclosed, nor any proof whose "handwriting they were, or that those "papers were originally enclosed in the "envelopes; because, if they were allowed "to be given in evidence, they might impose "what papers they pleased on the Court, "by putting them into the envelopes. The "jury having desired to look at the papers, "the foreman observed on inspecting them, "that it was an insult to their understanding to offer those papers in evidence, as "papers of the date which they purported "to be of."

The report then proceeds:—

"The counsel for the prisoner speaking in "a warm and improper manner to the jury:—

"*Court.*—This is a manner in which the "jury ought not, and shall not be spoken to. "The prisoner ought not to suffer from the "intemperance of his Advocate. You "gentlemen of the jury, ought not to receive "any prejudice to the prisoner on that "account, nor from the papers themselves, "which not having been admitted in evi-"dence, you should not have seen, and "having seen, whatever observation you "have made, you should forget; it is from "what is given in evidence only that you "are to determine."

"*Jury.*—We will receive no prejudice "from it. We shall consider it the same as "if we had not seen it; we will only deter-"mine by the evidence produced." [*Print-"ed Report*, p. 59.]

During the examination of Kissen Juan Doss, "the Counsel for the prisoner insisted "upon giving parol evidence of the contents "of the account given to her. Mr. Justice "Lemaistre objected, that such evidence "would not be admitted, as no proof was "produced to show that any endeavours "were made for the attendance of the widow, "or the original papers in her possession, to "which objection the Court acceded, but "allowed the evidence in favour of the "prisoner." [*Printed Report*, p. 81.]

This witness was afterwards re-called.

"*Q.*—Did you examine every bundle?

"*A.*—There were several large bundles "of papers of old accounts that I did not "examine, thinking them of no use."

"*Court.*—This will not entitle you to "read any paper, or make what Kissen Juan "Doss said evidence. But though it is not "strictly so, I will nevertheless leave it to "the jury." [*Printed Report*, p. 89.]

After the defence had been opened, and several witnesses had been examined in support of it, at this stage of the trial, the following appears in the printed report (p. 92.)

"*Memorandum.*—Two of the witnesses, "Ramnath and Balgovind, that were on the "back of the indictment, not having been "called by the prosecutor, and it having "been observed by the Court, and the Coun-"sel for the prisoner being told that they "might call for them, the Counsel for the

"prisoner said, he was well acquainted with, "and could give the reasons why the Counsel "for the prosecution had not called them, "and that he should immediately call them." [*Printed Report*, p. 92.]

The books of "the Council" having been called for and not produced on the ground that the Board conceived "it to be liable to "many inconveniences and ill consequences "to exhibit the proceedings of the Council "in an open Court of Justice, especially as "they may sometimes contain secrets of the "utmost importance to the interest and "even to the safety of the State."

"*Court.*—In this, as well as in every "other instance, we should consult the in- "terest and convenience of the Company "as much as possible. We are not surprised, "that the Governor-General and Council "should be desirous to prevent their books "being examined, which might tend to the "consequences they mention: it would be "highly improper that their books should "be wantonly subjected to curious and im- "pertinent eyes; but, at the same time, it "is a matter of justice, that if they contain "evidence material to the parties in civil "suits, that they may have an opportunity "of availing themselves of it. Humanity "requires it should be produced, when in "favor of a criminal; justice when against "them. * * When it is necessary that "they should be produced, the Court will "take care they are not made an improper "use of." [*Printed Report*, pp. 106, 107.]

The Counsel for the prisoner having informed the Court that the prisoner had something to say:—

Court.—"By all means, let us hear it: "but would it not be more proper for you "to ask him what it is, that you may judge "of what he has to say!"

"*Counsel.*—I know it is not improper."

"*Court.*—What is it?"

"*Answer.*—The Moharajah desires that "Kissen Juan Doss may be asked further "as to the curra-nama."

"*Court.*—Has he anything else to say?"

"*Answer.*—Nothing else."

"*Court.*—Do you choose to ask the ques- "tions or that Moharajah should ask them "himself? You had better ask them."

At an early stage of the trial, "Mr. Farrar, "Counsel for the prisoner, observed, that in "England a prisoner, from his knowledge "of the language, had an opportunity of "hearing the evidence and making his own "defence, which Moharajah Nundo Comar "was deprived of: he therefore thought it "reasonable that his Counsel should be "permitted to make a defence for him."

"*Court.*—All the evidence has been "given in a language the prisoner under- "stands. Any defence he chuses to make, "will be interpreted to the Court." [*Printed Report*, p. 13.]

It appears, however, that, notwithstanding this ruling, the accused was not left to make his own defence. To quote from the Chief Justice's charge to the jury—

"By the Laws of England, the Counsel "for prisoners charged with felony are not "allowed to observe on the evidence to the "jury, but are to confine themselves to "matters of law: but I told them that, if "they would deliver to me any observations "they wished to be made to the jury, I "would submit them to you, and give them "their full force; by which means they will "have the same advantage as they would "have had in a civil case."

"Mr. Farrar has delivered me the follow- "ing observations, which I shall read to you "in his own words, and desire you to give "them the full weight, which, on considera- "tion, you may think they deserve." [*Printed Report*, p. 109.]

The character of the Chief Justice's observations on the defence may be judged of from the following quotations:—

His Lordship, after reading from the defence—"It is no forgery on Bollakey Doss, because it is not proved to have been forged in his lifetime,"—said—"He is certainly right in the observation, that there is no proof adduced of the time of the actual forgery." (*Printed Report*, p. 109.)

Defence.—"No forgery as to executors, because the prosecutor's evidence prove that they were previously informed of the forgery, and voluntarily paid the bond. Pudmohun Doss expressly knew it."

Chief Justice.—"This will depend upon the evidence, which I shall observe upon hereafter, whether Gungabissen was so informed. I think there is great reason to suspect that Pudmohun Doss was privy to the fraud, if any fraud has been."

Defence.—"The witnesses are dead, the transaction is stale and long since known to the prosecutor."

Chief Justice.—"These are objections of weight, which you, gentlemen, ought carefully to attend to, when you take the whole

of the evidence into cosideration, for the purpose of forming the verdict; and I have no doubt you will attend to them." [*Printed Report*, pp. 110, 111].

Defence.— "No evidence of defendant's having forged Bollakey Doss's seal, for which he alone stands indicted."

Chief Justice.—"There is clearly no direct evidence of his having actually forged the seal."

"But Mr. Farrar is mistaken when he says the prisoner stands only indicted of forging the seal; he is inaccurate in saying he stands indicted of forging the seal: it is for forging the bond. But he does not stand indicted of that only: he is indicted for publishing it, knowing it to be forged, and, as I shall hereafter shew, it is to that the evidence chiefly applies, and to which I must require your more immediate attention."

Defence.—"The absurdity of the defendant's confessing a circumstance, which would endanger his life, to people with whom he was not in terms of confidence; his refusing three months after to become security for Comaul-O-Deen in his farm—a thing trifling in its nature, when contrasted with the consequences which might naturally be expected from a refusal—the small degree of credit due to a confession made only once, and nobody present but the party and the witness, which are the words of Comaul's evidence."

Chief Justice.—"It is highly proper you should take these circumstances into consideration: you will consider on what terms they were at the time of these conversations; confessions of this nature are undoubtedly suspicious, and to which, except there are matters to corroborate them, you should be very cautious in giving too much credit." [*Printed Report*, p. 111].

Defence.—"Improbability of the bonds being forged, from its being conditional only; for which there could be no necessity if it was forged, as it rendered the obligation less strong, without any apparent reason."

Chief Justice.—"It certainly would have been as easy to have forged an absolute bond. But there is no evidence when the bond was forged: it might have been after payment of the debt due to Bollakey Doss; it might be to give an air of probability to it. But this is a matter proper for you to judge upon." [*Printed Report*, p. 111.]

After reading the whole of the defence, and asking the jury to consider it together with his observations, the Chief Justice continued as follows:—

"I shall now make some observations on the evidence, both on the part of the Crown and the prisoner; desiring, as I have frequently during the course of the trial, that you will not suffer your judgment to be biased, or the prisoner to be any way prejudiced, from anything that has passed, nor by any matter whatsoever, which has not been given in evidence." [p. 113] * *

"Kissen Juan Doss (a witness for the defence) delivered all his evidence, till this morning, with such simplicity, and with such an air of candour and truth that I gave full assent to everything he said, and I am extremely chagrined that there has arisen any cause to suspect any part of his evidence. He mentioned a paper which he calls a kurfanama, in which the whole of this transaction was written, and which was acknowledged and signed by Bollakey Doss. Though the entry made in this book after the death of Bollakey Doss, by order of Pudmohun Doss, and purporting to be in the lifetime of Bollakey Doss, carried marks of suspicion with it; yet, I own Kissen Juan Dass had so completely gained my confidence, that I gave implicit credit to him. Many attempts were made to establish it in evidence, which failed of legal proof; but as I thought so well of Kissen Juan Doss and as it would have been extremely hard, if such a paper had existed, that the prisoner should be deprived of the benefit of it, I said [having first asked the consent of my brethren] that, though it was not strictly evidence, I would leave it to you to give such weight to it as you thought it deserved. I still leave it to you, and if you believe that such a paper ever existed, it would be the highest injustice not to acquit the prisoner."

"Attempts were made to bring this to the knowledge of Mohun Persaud; and if it did exist, and was in the knowledge of Mohun Persaud, this prosecution is most horrid and diabolical. Mohun Persaud is guilty of a crime, in my apprehension, of a nature more horrid than murder." [*Printed Report*, pp. 115, 116] * * *

"An imputation was attempted to be thrown on Mohun Persaud for preventing

"Gunga Visir from attending, who was said "to be able and willing to appear as a wit- "ness; but that has been cleared up to the "full satisfaction of us, and, I do not doubt "to your satisfaction likewise. He could "not be called by the prosecutor on account "of his interest; and no prejudice should "accrue to the prisoner for not calling him "for the same reason." (*Printed Report*, p. 117) * * * * *

"You have heard when the papers were "delivered out of the Court; if there has "been any designed delay, and you think "Mohun Persaud had it in his power to "carry on an effectual prosecution before he "has, it is a great hardship to Moharajah "Nundo Comar, especially as the witnesses "to the bond are all dead; and you ought "to consider this among the other circum- "stances which are in his favour. Though "to be sure this hardship is much diminish- "ed, as there were so many witnesses still "alive, who were present at the execution "of it." (*Printed Report*, pp. 117, 118).

The charge concludes as follows:—

"There is certainly great improbability "that a man of Moharajah Nundo Comar's "rank and fortune should be guilty of so "mean an offence for so small a sum of "money.

"It is more improbable, as he is proved "to have partronized and behaved with "great kindness to Bollakey Doss in his "lifetime, that he should immediately after "his decease plunder the widow and relations "of his friend.

"There does likewise appear to have been "a suit in the Audaulet, which must have "been a civil suit; but it does not, indeed, "appear that Mohun Persaud was a party; "and, indeed, for what reason I know not, "neither side have thought fit to produce "the proceedings.

"I have made such observations on the "evidence as the bulk of it, and the few "minutes I had to recollect myself, would "allow me to make.

"You will consider the whole with that "candour, impartiality, and attention which "has been so visible in every one of you "during the many days you have sat on "this cause.

"You will consider on which side the "weight of evidence lies; always remember- "ing that in criminal, and more especially "in capital cases, you must not weigh the "evidence in golden scales; there ought to "be a great difference of weight in the "opposite scale before you find the prisoner "guilty. In cases of property, the stake "on each side is equal, and the least prepon- "derance of evidence ought to turn the "scale; but in a capital case, as there can "be nothing of equal value to life, you "should be thoroughly convinced that there "does not remain a possibility of innocence "before you give your verdict against the "prisoner.

"The nature of the defence in this case "is such that, if it is not believed, it must "prove fatal to the party; for if you do not "believe it, you determine that it is sup- "ported by perjury, and that of an aggravat- "ed kind, as it attempts to fix perjury and "subornation of perjury on the prosecutor "and his witnesses.

"You will again and again consider the "character of the prosecutor and his witness- "es, the distance of the prosecution from "the time the offence is supposed to be com- "mitted, the proof and nature of the confes- "sions said to be made by the prisoner, his "rank and fortune. These are all reasons to "prevent your giving a hasty and precipitate "belief to the charge brought against him; "but if you believe the facts sworn against "him to be true, they cannot alter the "nature of the facts themselves. Your "sense of justice and your own feelings will "not allow you to convict the prisoner, "unless your consciences are fully satisfied "beyond all doubt of his guilt. If they "are not, you will bring in that verdict "which, from the dictates of humanity, you "will be inclined to give; but should your "consciences be thoroughly convinced of "his being guilty, no considerations, I am "sure, will prevail on you not to give "a verdict according to your oaths."

The printed report closes with the following statement:—

"The jury retired for about an hour, "and brought in their verdict—Guilty."

There is in Mr. Justice Hyde's handwriting, at page 1 of the earliest of the existing volumes of his Note-books, being one of the Note-books for 1775, a brief record of the final act in this celebrated case. It is as follows:—

"*Memoranda*, 1775.

"July 24th. Signed the Calendar containing the order for the execution of Nundo Comar. He was hanged. I think the day was Saturday, August 12th, but I am not sure."

In a minute of the Judges, on a communication from the Government, respecting the claim of Roy Radha Churn to the privilege of an Ambassador in the prosecutions for conspiracy, it was recorded "that the "Chief Justice, unwilling to act alone, "called upon all his brethren for their "assistance; and that the summons was "signed, and every order in the cause "made by everyone of the Judges of the "Supreme Court of Judicature, after mature "deliberation."

There is no reason to think that it was otherwise in Nundo Comar's case, in which the Judges acted together, and, so far as appears, without any disagreement.

With respect to the nature of the defence, that was based entirely upon the merits. No question was raised as to the inapplicability of the statute law. It appears, however, such a question was raised in the subsequent trials for conspiracy. To quote from Mr. Justice Hyde's Note-book, 1775, volume II, page 174;

"*Mr. Farrar for the defendants.*—I shall "trace this accusation from the origin to "the present time.

"I shall last contend that even if this "impossible story is true which is told by "C. O. D., it does not amount to a proof of "conspiracy.

"It is not such a conspiracy as the statute law takes notice of.

"The common law of England cannot "relate to this country, because it is fitted "for England only. The statute law cannot "relate because—" * * * * * * * * * * *

Here the note breaks off, and no further mention is made of this plea, which, however, must have been overruled, as both cases went to jury, with the following result:—

"Upon Mr. Hastings' prosecution—Not "Guilty.

"Upon Mr. Barwell's prosecution—

"Joseph Fowke } Guilty.
"Nundo Comar }

"Radha Churn—Not Guilty."

One other quotation from Mr. Justice Hyde's Note-books (page 284) in relation to the result of Mr. Barwell's prosecution may not be without interest:—

"Sir Robert Chambers told me yesterday, "what I never heard before, that the reason, "the punishment on Mr. Fowke for the "crime of which he was convicted on this "indictment was so small, was that the "Court were informed that Mr. Barwell, "the prosecutor, desired the Court would "only pronounce a judgment for some very "small punishment, and that the true reason "why Mr. Barwell desired the punishment "might be so mild was—

"The sentence was fifty rupees fine, and "it was paid instantly in Court."

The reason is given in characters undecipherable, and of which the above is a *fac-simile.*

R. BELCHAMBERS.

The Trial of Maha Rajah NUNDOCOMAR,* Bahader, for Forgery. At Calcutta, in the Province of Bengal: 15 GEORGE III. A. D. 1775. [Published by Authority of the Supreme Court of Judicature in Bengal. London: Printed for T. Cadell in the Strand, 1776.] †

June, 1775.

At a Court of Oyer and Terminer, and Gaol Delivery, holden in and for the Town of Calcutta, and Factory of Fort William, in Bengal, and the Limits thereof, and the Factories subordinate thereunto, on the 3d day of June, 1775.—Before the Hon. Sir ELIJAH IMPEY, knt. Chief Justice, ROBERT CHAMBERS, STEPHEN CÆSAR LEMAISTRE, and JOHN HYDE, esqrs. Justices.

The KING *v.* Maha Rajah NUNDOCOMAR.

THE Prisoner being called to the bar, and arraigned, and the indictment read, his counsel tendered a plea to the jurisdiction of the Court; but the Chief Justice pointing out an objection thereto, which went both to the matter of fact and the law contained therein, and desiring the counsel to consider if he could amend it, and take time for so doing, he, after having considered the objection, thought proper to withdraw the plea; whereupon the prisoner pleaded, Not Guilty: and being asked by whom he would be tried? he answered, By God and his peers. The Court desired to know whether he had any particular reason for using the word peers? His counsel answered, that the prisoner being a man of the first dignity in this kingdom, thought he should be tried by people of equal rank with himself, agreeably to the law of England, which permits every man to be tried by his peers. The Court asked, who the Maha Rajah considered as his peers? His counsel answered, he must leave that to the Court.

Chief Justice. The trial can only be by such persons as are by the charter required to form the jury. A peer of Ireland tried in England would be tried by a common jury. The charter directs, that in all criminal prosecutions, the prisoner should be tried by the inhabitants of the town of Calcutta, being British subjects.

It being late, the Court adjourned till the next morning at seven o'clock.

June 9, 1775.

The counsel for the prisoner informed the Court, that the Maha Rajah had been ill in the night, and had now a flux and fever, which rendered him incapable of taking his trial.

The Court desired Dr. Anderson and Dr. Williams to examine the prisoner, which they did, and reported that he complained of having been indisposed in the night, but that he had neither flux nor fever, and was very capable of taking his trial; whereupon he was called to the bar.

The Prisoner being informed of his right to challenge when the Jury came to be sworn, challenged the following gentlemen, from a paper held in his hand: John Lewis, William Atkinson, John Williams, William Dickson, Richard Johnson, Joshua Nixon, Robert Donald, James Miller, Tilly Kettle, Ramsay Hanay, Thomas Adams, Bernard Messinck, Wm. Hamilton Bird, Charles Moore, Alexander Macneil, James Lally, William Briggs, Philip Coales.

The Counsel for the Crown challenged Samuel Stalham.

The following Jury was sworn:

Edward Scott,	John Ferguson,
Robert Macfarlin,	Arthur Adie,
Thomas Smith,	John Collis,
Edward Ellerington,	Samuel Touchet,
Joseph Bernard Smith,	Edward Satterthwaite,
John Robinson,	Charles Weston.

The Jury elected Mr. John Robinson their foreman.

Mr. William Chambers, the principal interpreter, not being yet come from Madras, and the two assistant interpreters, on account of their imperfect knowledge of English, being deemed insufficient for a trial so long as this was expected to be, Mr. Alexander Kyn. Elliot, superintendant of the Khalsa Records, a gentleman eminently skilled in the Persian and Hindostan languages, and Mr. William Jackson, lately admitted an attorney of the court, who speaks the Hindostan tongue fluently, were requested by the Court to interpret.

The Counsel for the prisoner desired that the evidence might be interpreted to him in the Hindostan language, as it was most generally understood by the audience, and requested that the interpreter of the Court might be employed for that purpose, and objected to the interpretation of Mr. Elliot, as being connected with persons whom the prisoner considered as his enemies.

Chief Justice. The principal interpreter of the Court is absent; the gentlemen of the jury have heard the interpretation of the assistant interpreters on other occasions. Do you, gentlemen, think we shall be able to go through this cause, with the assistance of those interpreters only?

Jury. We are sure we shall not be able.

Chief Justice. It is a cruel insinuation against the character of Mr. Elliot. His youth, just rising into life, his family, his known abi-

* These proceedings are amply discussed in the Case of governor Hastings and of Sir Elijah Impey, and in the Parliamentary Debates respecting those Cases.

† Howell's State Trials 8vo. Ed. Vol. XX, column, p. 923.

lities and honour, should have protected him from it.

[Mr. Elliot desired he might decline interpreting.]

Chief Justice. We must insist upon it, that you interpret: you should be above giving way to the imputation: your skill in the languages, and your candour, will show how little ground there is for it.

Mr. *Farrer.* I hope Mr. Elliot does not think the objection came from me; it was suggested to me.

Chief Justice. Who suggested it?

Mr. *Farrer.* I am not authorised to name the person.

Chief Justice. It was improper to be made, especially as the person who suggested, does not authorise you to avow it.

Jury. We all desire that Mr. Elliot, whose character and abilities we all know, would be so kind as to interpret.

Mr. *Farrer.* I desire on the part of the prisoner, that Mr. Elliot would interpret.

Mr. Elliot and Mr. Jackson sworn to interpret.

The Jury being impannelled, were charged with the prisoner, and the clerk of the crown read the Indictment as follows:

"*Town of Calcutta, and Factory of Fort William, in Bengal.*" I. To wit. The jurors for our lord the king, upon their oath present, That Maha Rajah Nundocomar, Bahader, late inhabitant of the town of Calcutta, and a person subject to the jurisdiction of the Supreme Court of Judicature at Fort William, in Bengal, after the 29th day of June, in the year of our Lord 1729, to wit, on the 15th day of January, 1770, in the 10th year of the reign of our sovereign lord George the 3rd, king of Great Britain, at the town of Calcutta aforesaid, with force and arms, feloniously did falsely make, forge, and counterfeit, and did cause and procure to be falsely made, forged, and counterfeited, a certain bond in the Persian language, purporting to be sealed by one Bollakey Doss, with the seal or chop of him the said Bollakey Doss, the tenor of which bond is as follows [here the bond is written in Persian] with an intent to defraud the said Bollakey Doss of the sum of 48,021 sicca rupees principal, and of four annas on each rupee of the said principal sum, as premium or profit on the said principal sum, against the form of the statute in that case made and provided, and against the peace of our said lord the king, his crown and dignity.

"And the jurors aforesaid, upon their oath aforesaid, do further present, that the aforesaid Maha Rajah Nundocomar, Bahader, afterwards, to wit, on the 15th day of January, in the year last abovesaid, at Calcutta aforesaid, a certain false, forged, and counterfeited bond in the Persian language, purporting to have been sealed by the said Bollakey Doss, with the seal or chop of him the said Bollakey Doss, feloniously did utter and publish as a true bond; which said bond is in the words, characters, and figures following, [Persian bond again recited], with an intent to defraud the said Bollakey Doss of the said sum of 48,021 sicca rupees principal, and of four annas on each rupee of the said principal sum, as premium or profit on the said principal sum; the said Maha Rajah Nundocomar, Bahader, at the time of publishing of the said false, forged, and counterfeited bond by him as aforesaid, then and there, well knowing the said bond to have been false, forged, and counterfeited, against the form of the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity.

"And the jurors for our lord the king, upon their oath do further present, that Maha Rajah Nundocomar, Bahader, late inhabitant in the town of Calcutta, and a person subject to the jurisdiction of the Supreme Court of Judicature, at Fort William in Bengal, on the 15th day of January, in the year last abovesaid, with force and arms, at the town of Calcutta aforesaid, feloniously did falsely make, forge, and counterfeit, and did cause to be falsely made, forged, and counterfeited, a certain bond, written in the Persian language, and purporting to be sealed by one Bollakey Doss (then deceased) in his life time, with the seal or chop of him the said Bollakey Doss; the tenor of which is as follows [Persian bond again recited] with an intent to defraud Gungabissen and Pudmohun Doss, executors of the last will and testament of the said Bollakey Doss, of the sum of 48,021 sicca rupees as principal, and of four annas on each rupee, as a profit or premium on the said principal sum, against the form of the statute in that case made and provided, and against the peace of our sovereign lord the king, his crown and dignity.

"And the jurors aforesaid, upon their oath aforesaid, do further present, that the aforesaid Maha Rajah Nundocomar, Bahader, afterwards, to wit, on the said 15th day of January, in the year last abovesaid, at Calcutta aforesaid, a certain false, forged, and counterfeited bond, purporting to be sealed by the said Bollakey Doss (then deceased) in his life time, with the seal or chop of him the said Bollakey Doss, feloniously did utter and publish as a true bond; which said bond is in the words, characters, and figures following, to wit, [Persian bond again recited] with an intent to defraud the said Gungabissen and Pudmohun Doss of the said sum of 48,021 sicca rupees of principal, and of four annas on each rupee of profit or premium on the said principal sum; the said Maha Rajah Nundocomar, Bahader, at the time of publishing the said false, forged, and counterfeited bond, by him as aforesaid, then and there, well knowing the said bond to have been false, forged, and counterfeited, against

the form of the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity.

"And the jurors for our lord the king, upon their oath aforesaid, do further present, that on the 15th day of January, in the year last abovesaid, Maha Rajah Nundocomar, Bahader, late inhabitant of the town of Calcutta, and a person subject to the jurisdiction of the Supreme Court of Judicature, at Fort William in Bengal, with force and arms, at the town of Calcutta aforesaid, feloniously did falsely make, forge, and counterfeit, and did cause and procure to be falsely made, forged, and counterfeited, a certain writing obligatory in the Persian language, purporting to be sealed by the said Bollakey Doss, with the seal or chop of him the said Bollakey Doss, the tenor of which writing obligatory is as follows [Persian bond again recited] with an intent to defraud the said Bollakey Doss of the sum of 48,021 sicca rupees of principal, and of four annas on each rupee of profit or premium on the said principal sum, against the form of the statute in that case made and provided, and against the peace of our said lord the king, his crown and dignity.

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"And the jurors for our lord the king, upon the oath aforesaid, do further present, that on the 15th day of January, in the year last abovesaid, Maha Rajah Nundocomar, Bahader, late inhabitant of the town of Calcutta, and a person subject to the jurisdiction of the Supreme Court of Judicature at Fort William in Bengal, with force and arms, at the town of Calcutta aforesaid, feloniously did falsely make, forge, and counterfeit, and did cause and procure to be falsely made, forged, and counterfeited, a certain writing obligatory in the Persian language, purporting to have been sealed by the said Bollakey Doss (then deceased) in his life time, with the seal or chop of him the said Bollakey Doss; the tenor of which writing obligatory is as follows [Persain bond again recited] with an intent to defraud Gungabissen and Pudmohun Doss, the executors of the said Bollakey Doss, of the sum of 48,021 sicca rupees of principal sum, against the form of the statute in that case made and provided, and against the peace of our said lord the king, his crown and dignity.

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"And the jurors for our lord the king, upon their oath aforesaid, do further present, that on the 15th day of January, in the year last abovesaid, Maha Rajah Nundocomar, Bahader, late inhabitant of the town of Calcutta, and a person subject to the jurisdiction of the Supreme Court of Judicature, at Fort William, in Bengal, with force and arms, at the town of Calcutta aforesaid, feloniously did falsely make, forge, and counterfeit, and did cause and procure to be falsely made, forged, and counterfeited, a promissory note for payment of money, in the Persian language, purporting to be sealed by the said Bollakey Doss, with the seal or chop of him the said Bollakey Doss, the tenor of which promissory note is as follows, [Persian bond again recited] with an intent to defraud the said Bollakey Doss of the sum of 48,021 sicca rupees of principal, and of four annas on each rupee of profit or premium on the said principal sum, against the form of the statute in that case made and provided, and

against the peace of our said lord the king, his crown and dignity.

"And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Maha Rajah Nundocomar, Bahader, afterwards, to wit, on the 15th day of January, in the year last abovesaid, at Calcutta aforesaid, certain false, forged, and counterfeited promissory note, for the payment of money, in the Persian language, purporting to have been sealed by the said Bollakey Doss, with the seal or chop of him the said Bollakey Doss, feloniously did utter and publish as a true promissory note; which promissory note is in the words, characters, and figures following, [Persian bond again recited] with an intent to defraud the said Bollakey Doss of the said sum of 48,021 sicca rupees of principal, and of four annas on each rupee of profit or premium on the said principal sum; the said Maha Rajah Nundocomar, Bahader, at the time of publishing the said false, forged, and counterfeited promissory note, by him as aforesaid, then and there, well knowing the said promissory note to have been false, forged, and counterfeited, against the form of the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity.

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"And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Maha Rajah Nundocomar, Bahader, afterwards, to wit, on the 15th day of January, in the year last abovesaid, at Calcutta aforesaid, a certain false, forged, and conterfeited promissory note for payment of money, in the Persian language, purporting to have been sealed by the said Bollakey Doss (then deceased) in his life time, with the seal or chop of him the said Bollakey Doss, feloniously did utter and publish as a true promissory note; which promissory note is in the words, characters, and figures following, [Persian bond recited] with an intent to defraud the said Gungabissen and Pudmohun Doss, the executors of the said Bollakey Doss, of the said sum of 48,021 sicca rupees of principal, and of four annas on each rupee of profit or premium on the said principal sum; the said Maha Rajah Nundocomar, Bahader, at the time of publishing the said false, forged, and counterfeited promissory note by him as aforesaid, then and there, well knowing the said promissory note to have been false, forged, and counterfeited, against the form of the statute in that case made and provided, and against the peace of our said lord the king, his crown and dignity.

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"And the jurors for our lord the king, upon their oath aforesaid, do further present, that the said Maha Rajah Nundocomar, Bahader, afterwards, to wit, on the said 15th day of January, and year last abovesaid, at Calcutta aforesaid, a certain false, forged, and counterfeited writing obligatory, in the Persian language, feloniously did utter and publish as a true writing obligatory; which said writing obligatory is in the words, characters, and figures following, [Persian bond again recited] with an intent to defraud the said Bollakey Doss of the said sum of 48,021 sicca rupees of principal, and of four annas on each rupee as profit or premium on the said principal sum; the said Maha Rajah Nundocomar, Bahader, at the time of publishing the said false, forged, and counterfeited writing obligatory, by him as aforesaid, then and there, well knowing the said writing obligatory to have been false, forged, and counterfeited, against the form of the statute in such case made and provided, and

against the peace of our said lord the king, his crown and dignity.

"And the jurors for our lord the king, upon their oath aforesaid, do further present, that on the 15th day of January, in the year last abovesaid, Maha Rajah Nundocomar, Bahader, late inhabitant of the town of Calcutta, and a person subject to the jurisdiction of the Supreme Court of Judicature at Fort William in Bengal, with force and arms, at the town of Calcutta aforesaid, did falsely make, forge, and counterfeit, and did cause and procure to be falsely made, forged, and counterfeited, a certain writing obligatory in the Persian language; the tenor of which writing obligatory is as follows, [Persian bond again recited]. with an intent to defraud Gungabissen and Pudmohun Doss, the executors of the said Bollakey Doss, of the sum of 48,021 sicca rupees of principal, and of four annas on each rupee of profit or premium on the said principal sum, against the peace of our said lord the king, his crown and dignity.

"And the jurors for our lord the king, upon their oath aforesaid, do further present, that the said Maha Rajah Nundocomar, Bahader, afterwards, to wit, on the said 15th day of January, and year last abovesaid, at Calcutta aforesaid, a certain false, forged, and counterfeited writing obligatory, in the Persian language, feloniously did utter and publish as a true writing obligatory; which said writing obligatory is in the words, characters, and figures following, [Persian bond again recited] with an intent to defraud Gungabissen, and Pudmohun Doss, the said executors of the said Bollakey Doss, of the said sum of 48,021 sicca rupees of principal, and of four annas on each rupee, as profit or premium on the said principal sum; the said Maha Rajah Nundocomar, Bahader, at the time of publishing the said false, forged, and counterfeited writing obligatory, by him as aforesaid, then and there, well knowing the said obligatory writing to have been false, forged, and counterfeited, against the form of the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity.

"And the jurors for our lord the king upon their oath aforesaid, do further present, that Maha Rajah Nundocomar, Bahader, late of the town of Calcutta, being a person subject to the Supreme Court of Judicature at Fort William in Bengal, on the 15th day of January, in the year abovesaid, with force and arms, at Calcutta aforesaid, feloniously did falsely make, forge and counterfeit, and did cause and procure to be falsely made, forged, and counterfeited, a certain writing obligatory in the Persian language; the tenor of which certain writing obligatory is as follows, [Persian bond again recited] with an intent to defraud Gungabissen and Hengoo Laul, the two nephews and trustees named in the last will and testament of Bollakey Doss, deceased, of the sum of 48,021 sicca rupees of principal, and of four annas on each rupee of profit or premium on the said principal sum, against the form of the statute in that case made and provided, and against the said peace of our said lord the king, his crown and dignity.

"And the jurors for our lord the king, upon their oath aforesaid, do further present, that Maha Rajah Nundocomar, Bahader, late of the town of Calcutta, being a person subject to the Supreme Court of Judicature, at Fort William in Bengal, on the 15th day of January, in the year abovesaid, at Calcutta aforesaid, a certain false, forged, and counterfeited writing obligatory, in the Persian language, feloniously did utter and publish as a true writing obligatory; the tenor of which writing obligatory is as follows, [Persian bond again recited] with an intent to defraud Gungabissen and Hengoo Laul, the two nephews and trustees named in the last will and testament of Bollakey Doss, deceased, of the sum of 48,021 sicca rupees of principal, and of four annas on each rupee of profit or premium on the said principal sum; the said Maha Rajah Nundocomar, Bahader, at the time of publishing the said false, forged, and counterfeited writing obligatory, by him as aforesaid, then and there, well knowing the said writing obligatory to have been false, forged, and counterfeited, against the form of the statute in that case made and provided, and against the peace of our said lord the king, his crown and dignity.

"And the jurors for our lord the king, upon their oath aforesaid, do further present, that on the 15th day of January, in the year last abovesaid, Maha Rajah Nundocomar, Bahader, late inhabitant of the town of Calcutta, and a person subject to the jurisdiction of the Supreme Court of Judicature at Fort William, in Bengal, with force and arms, at the town of Calcutta aforesaid, feloniously did falsely make, forge, and counterfeit, and did cause and procure to be falsely made, forged and counterfeited, a certain writing obligatory, in the Persian language; the tenor of which writing obligatory is as follows, [Persian bond again recited] with an intent to defraud Gungabissen, the surviving executor of Bollakey Doss, deceased, of the sum of 48,021 sicca rupees, of principal and of four annas on each rupee, of profit or premium on the said principal sum, against the form of the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity.

"And the jurors for our lord the king, upon their oath aforesaid, do further present, that the said Maha Rajah Nundocomar, Bahader, afterwards, to wit, on the 15th day of January in the year last abovesaid, at Calcutta aforesaid, a certain false, forged, and counterfeited writing obligatory, in the Persian language, feloniously

did utter and publish as a true writing obligatory; which said writing obligatory is in the words, characters, and figures following, [Persian bond again recited] with an intent to defraud Gungabissen, the surviving executor of Bollakey Doss, deceased, of the said sum of 48,021 sicca rupees of principal, and of four annas on each rupee, as profit or premium on the said principal sum; the said Maha Rajah Nundocomar, Bahader, at the time of publishing the said false, forged, and counterfeited writing obligatory, by him as aforesaid, then and there, well knowing the said obligatory writing to have been false, forged, and counterfeited, against the form of the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity."

June 7, 1775. (Signed) JA. PRITCHARD,
Clerk of the crown.

(Signed)
W. M. BECKWITH,
Clerk of the Indictment.

TRANSLATE of the PERSIAN BOND, recited in the Indictment.

"I who am Bollakey Doss.

"As a pearl necklace, a twisted kulghah, a twisted serpache, and four rings, two of which were of rubies and two of diamonds, were deposited by Rogonaut Roy Geoo, on account of Maha Rajah Nundocomar, Bahader, in the month of Assar, in the Bengal year 1165, with me, in my house at Moorshedabad, that the same might be sold; at the time of the defeat of the army of the Nabob Meer Mahomed Cossim Cawn, the money and effects of the house, together with the aforesaid jewels, were plundered and carried away. In the year 1172, Bengal style, when I arrived in Calcutta, the aforesaid Maha Rajah demanded the before-mentioned deposit of jewels; I could not produce the deposit when demanded, and, on account of the bad state of my affairs, was unable to pay the value thereof; I therefore promise and give it in writing, that when I shall receive back the sum of two lacks of rupees, and a little above, which is in the Company's cash at Dacca, according to the method of reckoning of the Company, I have agreed and settled, that the sum of 48,021 sicca rupees is the principal of the amount of the said deposit of jewels, which is justly due by me, and over and above that, a premium of four annas upon every rupee. Upon the payment of the aforesaid sum from the Company's cash, I will pay that sum, without excuse and evasion, to the aforesaid Maha Rajah. I have, for the above reasons, given these reasons in the form of a bond under my signature, that when it is neccessary it may be carried into execution.

"It is witnessed,
"MEHAB ROY;
"SCILAUBUT, the Vakeel of Seat Bollakey Doss;
"ABDEHOO COMMAUL MAHOMED.
Alabd, "BOLLAKEY DOSS."

Written on the 7th day of the month of Bhadoon, in the Bengal year 1172.

* * * *
* * * *

Lord Chief Justice *Impey:*

The prisoner stands indicted for forging a Persian bond, with an intent to defraud Bollakey Doss; and also for publishing the same, knowing it to be forged. This offence is laid in several manners, by different counts in the indictment, sometimes calling it a 'writing obligatory,' and sometimes a 'promissory note;' and it is laid to be with an intent to defraud different people, differently interested.

I shall lay out of the case all those counts to which I think no evidence can be applied; and shall only mention those to which it may, and shall point out those to which it most particularly applies. I lay out of the case the accounts where the publications is said to be to defraud Bollakey Doss, as the publication which is proved was after his death: as also those which charge it to be to defraud Pudmohun Doss and Gungabissen as joint executors, their being no proof that Pudmohon Doss ever was an executor.

The only counts to which any evidence, in my opinion, can be applied, are the first, fifth, ninth, and thirteenth, which charge this instrument to be forged with intent to defraud Bollakey Doss: the eighteenth, which charges it to be forged with intent to defraud Gungabissen and Hingoo Loll, nephews and trustees named in the will of Bollakey Doss: the nineteenth, to which the evidence most forcibly applies, for publishing the same knowing it to be forged, with intent to defraud Gungabissen and Hingoo Loll: the 20th and 21st, which charge the forgery and publication to be with intent to defraud Gungabissen, the surviving executor.

There has been no evidence at what time the instrument was actually forged; and therefore it may be difficult for you to ascertain whether it was in the life of Bollakey Doss, and consequently whether to defraud him, or such persons as had interest in his estate after his decease.

The publication was clearly after his decease; and therefore, if you should think the prisoner

guilty of that, you would not have the same difficulty as to whom it was to defraud, as it must be his executors, or other persons who took benefit by his will. As the estate was distributed according to the division of the rupee, which is a custom in this country similar to that of the Romans dividing the as; there is no doubt it must have been to the prejudice of his nephews Gungabissen and Hingoo Loll.

I will however, after I have gone through the whole evidence, point out that part of it which applies to the actual forgery, and then what applies to the publication, knowing it to be forged.

As the trial has now taken so many days, and the evidence is so long, notwithstanding you have given an attention that I have never before seen in a jury through so long a trial; it will be necessary, for the purpose of bringing it together, and to refresh your memories as to those parts which passed early in the trial, to recapitulate the whole of the evidence.

[Here the Chief Justice read over the whole of the evidence, and then proceeded.]

By the laws of England, the counsel for prisoners charged with felony are not allowed to observe on the evidence to the jury, but are to confine themselves to matters of law: but I told them, that, if they would deliver to me any observations they wished to be made to the jury, I would submit them to you, and give them their full force; by which means they will have the same advantage as they would have had in a civil case.

Mr. Farrer has delivered me the following observations, which I read to you in his own words, and desire you to give them the full weight, which, on consideration, you may think they deserve.

'It is no forgery on Bollakey Doss, because 'it is not proved to have been forged in his life 'time.'

He is certainly right in the observation, that there is no proof adduced of the time of the actual forgery.

'No forgery on the executors, because the 'prosecutor's evidence prove that they were 'previously informed of the forgery, and volun-'tarily paid the bond. Pudmohun Doss ex-'pressly knew it.'

This will depend on the evidence, which I shall observe upon hereafter, whether Gungabissen was so informed. I think there is great reason to suspect that Pudmohun Doss was privy to the fraud, if any fraud has been. But I have laid those counts out of the case, which charge either the forgery, or the publication, knowing of the forgery, with an intent to defraud Pudmohun Doss and Gungabissen as joint executors, because the prosecutors have failed in this proof of Pudmohun Doss's being an executor. They produced no probate to Pudmohun Doss, and would have proved it by his having signed an account delivered into the Mayor's Court. This we did not think sufficient to prove him executor: Mohun Persaud by that means might likewise have been proved an executor; for he has signed an account which was delivered in to that court.

'No forgery upon the trustees, or residuary 'legatees, because they had only a contingent 'interest at the time of the publication, and not 'a vested one. It was not an interest 'debitum 'in præsenti, solvendum in futuro:' had they 'died before the contingency happened, the 'interest would not have gone to their repre-'sentatives as such, and as claiming under 'them, but to the next of kin of Bollakey Doss; 'therefore they could not be defrauded.'

This is a point of law, and I cannot help differing from Mr. Farrer in it; for in my opinion, and in all our opinions, the interests of the nephews and residuary legatees is a vested interest, and would, whenever the money due to Bollakey Doss from the company should be paid, go to the representatives. The receipt of that money is, I suppose, what is understood by Mr. Farrer to be the contingency.

This objection seems to be made from misstating an observation made early in the cause by my brother Chambers, and which I was at first struck with; which was, That neither the appointment of executors, or any part of the will, was to take place till after the payment of the debt from the Company; that is, that Bollakey Doss considered himself worth nothing but that debt, and meant only to make a will in case that money should be recovered. But, on looking into the will, I pointed out to my brother Chambers that there were dispositions of other monies; and we are both satisfied that the appointment of executors would have taken place, and the will had sufficient to operate upon, though that money had not been paid; and that, if it was not, Bollakey Doss did not mean to die intestate. But, however, there is evidence that it has been satisfied by Company's bonds.

Mr. Farrer has likewise given me these further observations:

'Persian letters, sealed in the usual mode 'of the country, not allowed to be given in evi-'dence: by our laws, letters sealed in the 'usual mode in England would.'

You cast your eyes on those letters, and observed on the recency of the writing. You thought them an imposition; but, as they were not given in evidence, I desired you would not suffer it to make any impression on you. I have no apprehensions the laws of any country would permit them to be given in evidence. They were letters, enclosed in a cover, sealed with the seal of Bollakey Doss; but were separated from the covers, which had been opened. Any writings might have been put into

those covers. There was no signature to the letters. There was no attempt to prove that the direction of the covers were of the same hand-writing with the letters themselves, or that they were the hand-writing of Bollakey Doss, or of any of his writers. If this was allowed, any evidence might be fabricated, to serve all purposes. Letters in England have the signature of the writer, and his hand-writing may be proved: it is impossible these could be given in evidence.

'The witnesses are dead, the transaction 'is stale, and long since known to the prose-'cutor.'

These are objections of weight, which you, gentlemen, ought carefully to attend to, when you take the whole of the evidence into consideration, for the purpose of forming the verdict; and I have no doubt you will attend to them.

'No evidence of defendant's having forged 'Bollakey Doss's seal, for which he alone 'stands indicted.'

There is clearly no direct evidence of his having actually forged the seal. But Mr. Farrer is mistaken, when he says the prisoner stands only indicted of forging the seal: he is inaccurate in saying he stands indicted of forging the seal; it is for forging the bond. But he does not stand indicted of that only: he is indicted for publishing it knowing it to be forged; and, as I shall hereafter shew, it is to that the evidence chiefly applies, and to which I must require your more immediate attention.

'The absurdity of the defendant's confessing 'a circumstance, which would endanger his 'life, to people with whom he was not in terms 'of confidence—his refusing, three months 'after, to become security for Comaul O Deen 'in his farm; a thing trifling in its nature, 'when contrasted with the consequences which 'might naturally be expected from a refusal— 'the small degree of credit due to a confession 'made only once, and nobody present but the 'party and the witness, which are the words of 'Comaul's evidence.'

It is highly proper you should take these circumstances into consideration; you will consider on what terms they were at the time of these conversations. Confessions of this nature are undoubtedly suspicious; and to which, except there are matters to corroborate them, you should be very cautious in giving too much credit.

'Nothing any ways extraordinary in Co-'maul's mentioning the circumstance of the 'defendant's confession; as it is well known 'that, in the most common occurrences, the 'natives of this country form the most iniquit-'ous schemes, which are not brought to matu-'rity, or disclosed to the public, for a much 'greater period of time than the present; and 'that their truth and falsehood are so artfully 'interwoven, that it is almost impossible to 'come at the truth.'

My residence in the country has been so short, and my experience so little, that I can form no judgment of the truth of this observation: it is an appeal to the notoriety of the dispositions of the natives. You have been resident long in the country: some I see who were born here; you know how far it is true, therefore I leave it entirely to you.

Mr. Brix has communicated to me the following observations:

'Improbability of the bond's being forged, 'from its being conditional only; for which 'there could be no necessity if it was forged, 'as it rendered the obligation less strong, with-'out any apparent reason.'

It certainly would have been as easy to have forged an absolute bond. But there is no evidence when the bond was forged, if it was forged: it might have been after the payment of the debt due to Bollakey Doss: it might be to give an air of probability to it. But this is matter proper for you to judge upon.

'From the circumstance mentioned therein 'of the jewels being robbed, as that very cir-'cumstance lessens the value of the obligation, 'it might entitle the deceased or his represen-'tatives to relief in equity.'

This circumstance of mentioning the jewels is undoubtedly one that makes the transaction very suspicious, as there is no evidence given of any loss of jewels; and indeed the evidence that has been produced on that head goes a great way to prove that no such jewels had ever been lost. It is ingenious to turn this to the advantage of the prisoner. You will determine whether it can be so applied.

These are the observations made by the prisoner's counsel: you will consider them, together with the observations I have submitted to you upon them.

I shall now make some few observations on the evidence, both on the part of the crown and the prisoner; desiring, as I have frequently during the course of the trial, that you will not suffer your judgments to be biassed, or the prisoner to be any way prejudiced, from any thing that has past, nor by any matter whatsoever, which has not been given in evidence.

The evidence on the part of the crown to support the actual forgery, is that of Mohun Persaud, who says, that Maha Rajah Nundocomar declared, that he had prepared, or drawn out three papers, the amount of one of which was 48,021 rupees, which is the amount of the present bond, and is applied as a confession of the actual forging; but as the confession may bear a different interpretation, there being no distinction in general made in the interpretation of the evidence, between writing or causing to be wrote, drawing or causing to be drawn, it may mean, that he caused Bollakey Doss to

draw or prepare the bond, and therefore I think the first would be a hard and rather a forced construction of his words; and indeed he did not actually specify this bond. Comaul O Deen also gives evidence that will apply to the forgery. Maha Rajah Nundocomar told him, That he had himself fixed Comaul O Deen's seal to the bond; and he proves a requisition from Maha Rajah Nundocomar, to give evidence, That he was a witness to the bond, and makes him promises if he will. This is the evidence of the forgery; but I think it will be more necessary to attend to the evidence in support of those counts which I have said the evidence may be applied to, and which charge the publication with an intent to defraud.

The evidence which applies to the actual forgery, applies likewise to the knowledge of its being forged. Mohun Persaud proves the bond produced by Maha Rajah Nundocomar. A receipt of Maha Rajah Nundocomar for the Company's bonds, paid in satisfaction of the bond in question, and the actual satisfaction received by Maha Rajah Nundocomar.

Two witnesses depose, That the name purporting to be in the hand-writing of Sillabut, is not of his hand-writing. Sabboot Pottack swears positively to this: he says, He was well acquainted with his writing; and speaks as to the usual manner of his attesting which he says, is different to that on this paper.

Rajah Nobkissen, on the paper being shown him, swore positively, that it was not the hand-writing of Sillabut; but afterwards retracted the positiveness of his opinion: but the circumstance of his immediate fixing on the three papers, which were before proved to be of Sillabut's writing, is a stronger proof of the knowledge of his hand-writing, than any positive oath.

I must again caution you against receiving any impression unfavourable to the prisoner, from the hesitation and doubts or exclamations of this witness, or from any other circumstances except what he actually deposed to.

Both these last witnesses agree, that the hand to this bond is better than Seellabut's hand.

Other circumstances are adduced to draw an imputation on this business, An account subsequent to the date of the bond, which is in 1772, is produced to show, that Bollakey Doss was at that time indebted to Maha Rajah Nundocomar only in the sum of 10,000 rupees; but I think no great stress can be laid on that, as it contains a reference to such other debts as may appear by his books.

The Counsel for the Crown have proved, that a draught for a large sum of money was paid at Benares, about the time of the bond given, on the credit of Bollakey Doss, in favor of lord Clive. This was adduced for the purpose of showing Bollakey Doss to be at that time in good circumstances, and to infer from thence an improbability of his entering into this bond: but I think it proves no such thing; a much larger sum would no doubt have been paid on lord Clive's credit alone; and it is certain, that Bollakey Doss was at that time a debtor to Maha Rajah Nundocomar.

There is another circumstance; That Bollakey Doss had never mentioned either the deposit of the jewels, or the loss of them; and that there is no entry of it in his books.

Comaul O Deen produced a paper with the impression of his own seal, which he swears to be in the possession of Maha Rajah Nundocomar: you before said, you thought it to be the same with that to the bond; you will accurately examine it; I have not; I am told, there is a flaw in both the impressions.

Comaul O Deen accounts for his seal being in the possession of Maha Rajah Nundocomar, and swears he has not received it back: his evidence is supported by Coja Petruse, whose character you all know, and Moonshy Sudder O Deen, to whom he repeated the conversations with Maha Rajah Nundocomar, when they had recently past; you know the practices of the natives, and whether it is probable, as the counsel for the prisoner has suggested, that this is a deep-laid scene of villainy.

The character of Comaul O Deen was enquired into from Coja Petruse, and you have heard his answer.

Subornation of perjury was endeavoured to be fixed on him by the evidence of Hussein Alli; but as to Cawda Newas, nothing was proved: as to the seal-cutter, his conversation with him seems rather to strengthen than impeach his credit.

This bond was found cancelled among the papers delivered into the Mayor's court, as belonging to the estate of Bollakey Doss; but the papers of Pudmohun Doss and Bollakey Doss were mixed.

This is the substance of the evidence for the crown; and no doubt, if the witnesses are believed, whatsoever you may think of the forgery, there is evidence of publication, with knowledge of forgery.

On the other hand, if you believe the witnesses for the prisoner, a most complete answer is given to the charge.

There are no less than four witnesses present at the execution of the bond by Bollakey Doss, three of whom had been privy to a conversation at Maha Rajah Nundocomar's, when the consideration of the bond was acknowledged by Bollakey Doss: the same persons prove the attestation of the bond by the three witnesses thereto, who are all dead.

The brother of Matheb Roy is produced, who says, that Matheb Roy was well known to Huzree Mull and Cossinaut: Huzree Mull and Cossinaut did know a Matheb Roy; but it is clear, from their description of the person, that

it is not the brother of the witness at the bar. However, Cossinaut gave an account of the family of the man he knew, whose father was Bungoo Loll; but said, there was another Bungoo Loll. It seems extraordinary that there should be two Bungoo Lolls, two Saheb Roys, and two Matheb Roys, in two different families: however, there is no doubt of the existence of two Bungoo Lolls and two Saheb Roys; the improbability then decreases, and both Tage Roy and Roopnerain swear to the existence of the other Matheb Roy. It is extraordinary, however, that this man, who is described by his brother to be a poor man, and servant to a prisoner in the gaol, and was not known to Cossinaut or Huzree Mull, should be described by the counsel for the prisoner as a man of note and family, and as being acquainted with Cossinaut and Huzree Mull.

In contradiction to what Commaul O Deen had said, the defence introduces another Comaul; and all the four witnesses swear positively to his attesting the bond. He is proved by two witnesses to be dead; one Joydeb Chowbee saw a man going to be buried, and was told it was Comaul.

The other, Sheekear Mahomed, actually attended his funeral.

Comaul O Deen swears positively it is his seal, and these witnesses swear to the attestation by another Comaul. Joydeb Chowbee mentions a circumstance by which he knew it to be the funeral of Comaul: he asked, Whether it was a funeral of a Bramin or a Mussulman? It seems, the mode of carrying out Mussulmen and Bramins differ. You must judge from his evidence, whether he must not have known whether it was a Mussulman or Bramin, without enquiry; indeed he has said, that he did; and the observation was so strong, that he after positively denies he ever said he made such enquiry.

As Comaul is said to have died in the house of Maha Rajah Nundocomar, it seems extraordinary, that no one but Sheekear Mahomed is brought to prove his actual death; it must have been easy to have brought many persons of Maha Rajah Nundocomar's family, especially as he mentions five persons by name that attended his funeral, besides cooleys; three indeed he has buried since, but there are two still alive. This must have been known to be very material, for this is not the first time that Comaul O Deen has given evidence concerning his seal.

It is admitted on both sides, that Seelabut is dead. It is remarkable, that no account whatsoever is given of the Mour who wrote the bond: he would have been a material witness: there is no proof whose writing it is: it is proved, that Bollakey Doss had at that time a writer whose name was Balkissen, who is dead: there is no evidence that it was of his hand; he was, I think, known to one of the witnesses to the execution of the bond.

A witness says, that Seelabut was a Persian writer as well as Vakeel to Bollakey Doss, and Kissen Juan Doss seems to confirm it; being asked, What Persian writer Bollakey Doss had at that time? he answers, "He had one named Balkissen, and Seelabut also understood Persian." It is not said to be of his writing; and if Seelabut acted in that capacity, what occasion had Bollakey Doss to call for another writer?

There is no evidence of any particulars being mentioned to the writer who made out the bond, though it contains very special matter, except by one witness: all agree that no directions were given in the room before the people came from Maha Rajah Nundocomar to Bollakey Doss's; and all the witnesses, except one, deny any specific directions being given after. It is possible, he might have spoken to the Mour before his coming into the room, which the other witnesses at this distance of time might have forgot.

Though there are some variations in their evidence at the time of the execution, that is not at all extraordinary; what is most striking is, the very accurate memories which they preserve as to some circumstances, and their total forgetfulness as to others.

The most remarkable instance of their memory is the knowledge of the seals, which some of them swear to positively, only from having seen them three or four times on the fingers of the owners, from which (though the seals must be reversed when applied to paper, and though some of them do not understand Persian, and consequently not the characters engraved on the seal) they swear positively to their being able to know the impressions; and it is true, for they do point out to whom the impression of each particular seal on the bond does belong. Kissen Juan Doss, who must have seen Bollakey Doss's seal oftener than any of the witnesses, does not take upon him to remember the impression; and on being told the other witnesses did, he said, they had excellent memories; he was not blessed with such.

They are likewise uniformly accurate in describing the order in which the witnesses sealed and signed.

I shall make no observation on the variances of the witnesses to the execution; for, except in two instances, one of the witnesses, who remembered the sum in the bond, from its being explained in a language he did not understand, the other, Sheekear Mahomed, is the only witness that spoke with precision as to the sum. You heard him deliver his evidence, and will form your own judgment on that and on his whole evidence, in which he affirms and denies the same thing in the same breath.

As to the other, it was suggested, that the same words expressed the same sums in Moors and Persian, which drew on an enquiry; and we had the Persian and Moor words for the sums mentioned delivered in evidence; you will see how far you think they agree or disagree.

Nor shall I observe on the manner in which the witnesses on either side gave their testimony. You saw and remarked them. The jury having the opportunity to make their observations on the conduct of the witnesses, and of hearing the questions put as circumstances arise, is the great part of the benefit of a *vivâ voce* examination.

The defence does not attempt to prove either the deposit or the loss of jewels. And, indeed, Kissen Juan Doss, on whose evidence I shall hereafter observe, says, 'That he never heard 'of such a loss; had it happened, he must 'have heard it; and a thousand people must 'have known it.' He speaks of the loss of jewels to a trifling amount, but those belonged to another person. This, as I said before, is a suspicious circumstance. But if the jewels were actually deposited, of which there is no evidence, except what I am going to take notice of, the Kursa Nama: though they were not lost, Bollakey Doss might have told Maha Rajah Nundocomar that they were; and the Maha Rajah might give credit to Bollakey Doss; or might chuse rather to take a bond than enquire further into the matter. It might possibly have been a fraud on Maha Rajah Nundocomar.

Meer Assud's evidence may be very material. He produces a paper, purporting to be a receipt given by Bollakey Doss to him, for valuable effects of Cossim Alli, delivered by the witness to Bollakey Doss, which had the seal of Bollakey Doss to it. The impression you will examine; you will find it to be the same as is on the bond. This was for the purpose of proving the correspondence of the impression of the seal on this receipt, with the seal on the bond; and by that means to prove, that the seal to the bond was the identical seal of Bollakey Doss, not one that was forged. This transaction was said by the witness to be when Bollakey Doss was with the army at Durghotty. It seems clear beyond doubt, from the date of the receipt, from the place the army was then in, and from the circumstances that both Cossim Alli and Bollakey Doss were in at the time the receipt bears date, that the receipt could not have been given by Bollakey Doss, and that the whole is a fiction.

A very striking observation arises from this; it may account for the witnesses remembering the seals so accurately. Tage Roy says, He is in possession of Matheb Roy's seal. The seal of Comaul O Deen is proved to have been in the possession of Maha Rajah Nundocomar; and the person who fabricated this receipt must have had that seal which made the impression on the bond and the receipt. If the witnesses by any means have seen those seals, it is no longer surprising that they should be well acquainted with the impressions. This is a strong observation; but it is but an observation; I would have you consider it deliberately and maturely before you adopt it.

Kissen Juan Doss delivered all his evidence, till this morning, with such simplicity, and with such an air of candour and truth, that I gave full assent to every thing he said; and I am extremely chagrined that there has arisen any cause to suspect any part of his evidence. He mentioned a paper, which he calls a Kursa Nama, in which the whole of this transaction was wrote, and which was acknowledged and signed by Bollakey Doss. Though the entry made in the book after the death of Bollakey Doss, by order of Pudmohun Doss, and purporting to be in the lifetime of Bollakey Doss, carried marks of suspicion with it; yet, I own, Kissen Juan Doss had so completely gained my confidence, that I gave implicit credit to him. Many attempts were made to establish it in evidence, which failed of legal proof; but as I thought so well of Kissen Juan Doss, and as it would have been extremely hard, if such a paper had existed, that the prisoner should be deprived of the benefit of it, I said (having first asked the consent of my brethren,) that, though it was not strictly evidence, I would leave it to you to give such weight to it as you thought it deserved. I still leave it to you; and if you believe that such a paper ever existed, it would be the highest injustice not to acquit the prisoner.

Attempts were made to bring this to the knowledge of Mohun Persaud; and if it did exist, and was in the knowledge of Mohun Persaud, this prosecution is most horrid and diabolical. Mohun Persaud is guilty of a crime, in my apprehension, of a nature more horrid than murder.

But, I own, what passed after the counsel for the prisoner had closed his evidence, has very much weakened the confidence I had in Kissen Juan Doss. The counsel did not desire that he should be called, assigning as is usual for their reason, that they had forgot to examine to any particular point which was contained in their instructions; but we are informed that the Maha Rajah had something to say. All that he says is, That he desires Kissen Juan Doss may be further interrogated as to the Kursa Nama. The question then is immediately put to him, Whether he ever explained the Kursa Nama to Mohun Persaud? and then he gives the account of Mohun Per-

saud's having seen it at Maha Rajah Nundocomar's.

When he is examined to the reason of his not having told it before, all that simplicity, all that air of truth and candour, which we had remarked in him, instantly vanished; his looks were cast down, his tongue faultered, he prevaricates, he contradicts himself, he did not seem the same man. 'He did not tell, because 'he was not asked.' 'He did not mention it 'to Maha Rajah Nundocomar in his letter, 'because he was afraid of Mohun Persaud.' 'He did not mention, because he did not recol-'lect it.' 'He did not deliver it in evidence, 'because afraid of Mohun Persaud.' Mohun Persaud is a great man. He was not afraid to write the letter. He did not shew the letter to Mohun Persaud: why should he be afraid to insert this circumstance? If he now stands in so much fear of Mohun Persaud as not to mention this in his evidence, was he so much afraid of him when he voluntarily and directly confronted him as to the army books?

All this fear arises from no recent threat: it is in consequence of a conversation at the distance of some years.

It is for you to determine how far he really stands in awe of Mohun Persaud, and what the effects of that intimidation was when he delivered his evidence.

It is strange, as the witness was so often examined, and so particularly to this Kursa Nama, that Maha Rajah Nundocomar never before suggested this matter to his counsel.

If this latter part of Kissen Juan's evidence is true, he must be either guilty of perjury or very strong prevarication in his former evidence. Being asked as to Mohun Persaud and Gungabissen's knowledge of the entry made from the Kursa Nama, He says, 'I cannot 'say that Mohun Persaud and Gungabissen 'knew of it at the time of the entry; they 'knew of it afterwards. How can I tell when 'they knew of it first? They must have known 'it from the papers in the Dewany Audaulet; 'they were all called for there. I should tell, 'if I knew Gungabissen or Mohun Persaud 'knew of the entry.'

He must have known it was more material to prove that they knew of the Kursa Nama itself, in which the particulars of the account which formed the sum in the entry were wrote, and which Bollakey Doss had signed. But he presently afterwards positively says, That Mohun Persaud and Gungabissen were not acquainted with the accounts.

In another part of his evidence, he says to Pudmohun Doss, 'Make my mind easy about 'the bond we are now paying,' or (for there was a doubt in the interpretation) which we 'have paid.'

The time that this explanation was made at Maha Rajah Nundocomar's is not ascertained; but it must have been before the payment of the bond; for afterwards it could be of no use. If then Kissen Juan Doss had 'before seen' this Kursa Nama, and explained it to Mohun Persaud, why did he demand that his mind should be made easy about the bond? and how was it made easy, only by the production of a paper that he had seen before.

I am much hurt, to be obliged to make these observations on the evidence of a man that I entertained so good an opinion of. I must desire you to recollect, with regard to this observation, and every one that I submit to you, that you are to make no farther use of them, than as they coincide with your opinions and observations; and when they do not, you should reject them; for it is you, not I, that are to decide upon the evidence.

Attempts were made, by means of Monohun and other witnesses, to impeach Mohun Persaud, by particular facts, of attempts to suborn, and by general character. You must judge how far they have succeeded. They totally failed in the same attempts, as to Commaul O'Dien.

It is to be observed, likewise, that no person has been called to impeach the witnesses brought by the defendant.

There are many observations to be made in favour of the prisoner; and I am sure your humanity will prompt you to enforce them, as far as they will bear.

I before said, that the defence, if believed, was a full refutation of the charge; it is not only so, but it must fix an indelible mark of infamy on the prosecutor.

There are four positive witnesses of the actual execution of the bond by Bollakey Doss.

In opposition to Commaul's evidence, there are as many to prove, that the witness attesting was another Commaul.

Matheb Roy was not mentioned by the evidence for the crown. Four witnesses saw him attest it; and two other witnesses, one of them his brother, likewise prove that there was such a person.

In opposition to Rajah Nobkissen and Pattock, who swear the name Sillabut to the bond, is not of Sillabut's hand writing; four witnesses swear positively to the having seen him write it.

Much depends in this prosecution on the evidence of Mohun Persaud: you must judge how far his credit has been shaken: most of you know him: you must determine how far he deserves credit; and how probable it is, that he would, through malice, or any other corrupt motive, accuse an innocent person of a capital crime. If you think him capable of it, you should not give the least attention to his evidence. He swore positively to the bond produced by Maha Rajah Nundocomar, and for which the Company's bonds were given,

being the same bond that was produced in evidence; he said, he knew it from circumstances, but did not explain what those circumstances were; this I mention as going to his credit only; for the whole defence proceeds on identifying this bond, and proving it a true one.

You will judge how far he is contradicted by Kissen Juan Doss, as to the army books; and which of the two are to be believed.

An imputation was attempted to be thrown on Mohun Persuad, for preventing Gunga Visier from attending, who was said to be able and willing to appear as a witness: but that has been cleared up, to the full satisfaction of us; and, I do not doubt, to your satisfaction likewise. He could not be called by the prosecutor, on account of his interest; and no prejudice should accrue to the prisoner, for not calling him, for the same reason.

The counsel for the prisoner have urged the hardship of this prosecution being brought at this distance of time. You have heard when Mohun Persaud first suspected the forgery; and when, by Commaul's declaration, he had reason to be confirmed in the suspicion.

You have heard, when the papers were delivered out of the Court; if there has been any designed delay, and you think Mohun Persaud had it in his power to carry on an effectual prosecution before he has; it is a great hardship to Maha Rajah Nundocomar, especially as the witnesses to the bond are all dead; and you ought to consider this among the other circumstances which are in his favour. Though, to be sure, this hardship is much diminished, as there were so many witnesses still alive, who were present at the execution of it.

There are two pieces of written evidence relied on by the prisoner: one, the entry in the book from the Kurra Nama, on account of the agreement of the sums; and you will find that the sums said by Kissen Juan Doss to be contained in the Kurra Nama; viz.

Durbar expences	6,000	R°
Bond Batta and premium . .	69,630	7
do amount to the sum of . . .	75,630	7

which is the sum in the entry.

The other is the account delivered by Mohun Persaud and Pudmohun Doss, subsequent to the account delivered in by Pudmohun Doss, in which Pudmohun Doss had taken credit for this sum; and the subsequent account likewise contains it.

I do not think much can be drawn from this, for the sums had, as Mohun Persaud says, been paid, and therefore they certainly would take credit for them, to prevent their being charged with them; this they would do, were the monies properly or improperly paid.

There is certainly great improbability that a man of Maha Rajah Nundocomar's rank and fortune should be guilty of so mean an offence for so small a sum of money.

It is more improbable, as he is proved to have patronized and behaved with great kindness to Bollakey Doss in his life-time, that he should immediately after his decease plunder the widow and relations of his friend.

There does likewise appear to have been a suit in the Audaulet, which must have been a civil suit; but it does not indeed appear that Mohun Persaud was a party; and, indeed, for what reason I know not, neither side have thought fit to produce the proceedings.

I have made such observations on the evidence as the bulk of it, and the few miputes I had to recollect myself, would allow me to make.

You will consider the whole with that candour, impartiality, and attention, which has been so visible in every one of you during the many days you have sat on this cause.

You will consider on which side the weight of evidence lies; always remembering, that in criminal, and more especially in capital cases, you must not weigh the evidence in golden scales; there ought to be a great difference of weight in the opposite scale before you find the prisoner guilty. In cases of property, the stake on each side is equal, and the least preponderance of evidence ought to turn the scale; but in a capital case, as there can be nothing of equal value to life, you should be thoroughly convinced, that there does not remain a possibility of innocence before you give your verdict against the prisoner.

The nature of the defence in this case is such, that, if it is not believed, it must prove fatal to the party; for if you do not believe it, you determine, that it is supported by perjury, and that of an aggravated kind, as it attempts to fix perjury and subornation of perjury on the prosecutor and his witnesses.

You will again and again consider the character of the prosecutor and his witnesses, the distance of the prosecution from the time the offence is supposed to be committed, the proof and nature of the confessions said to be made

by the prisoner, his rank and fortune. These are all reasons to prevent your giving a hasty and precipitate belief to the charge brought against him; but, if you believe the facts sworn against him to be true, they cannot alter the natue of the facts themselves. Your sense of justice, and your own feelings, will not allow you to convict the prisoner, unless your consciences are fully satisfied beyond all doubt of his guilt. If they are not, you will bring in that verdict, which, from the dictates of humanity, you will be inclined to give; but, should your consciences be thoroughly convinced of his being guilty, no consideration, I am sure, will prevail on you not to give a verdict according to your oaths.

The jury retired for about an hour; and brought in their verdict, Guilty.

NOTE.

P. 3 note—Aurungzebe did not have the *Hedaya* compiled. It was the *Fatawah-Alumgiri*. The Hedaya is an older work.—*See Preface to Baillie's Digest p.* 8.

P. 5 note—I have given Nuncomar's pedigree in an appendix to my account of his trial.

P. 11 note—I never heard that Francis denied being the author of Junius. He always evaded the point.

P. 10 col. 2—Surely the Koran does not forbid slavery, and I doubt if Manu does so either.

P. 12 note—I never heard that Cantoo Babu was in Clive's Service.

P. 12 last note ‖—There was no charge against Mohammed Reza Khan of *sanguinary* oppression and Hastings never expected or thought that Mohammed Reza would be hanged. The French expression he uses is applied to all kinds of punishments,

P. 13 last line: "two kinsmen;"—I suppose this means that they were father and son, but the expression is odd.

P. 14 col. 1—Did the majority demand that Nuncomar should be held to bail?

APPENDIX 12—The words were deciphered by a gentleman* attached to the British Museum and are published in Sir J. Stephen's Story of Nuncomar. The words are "that M. H-ll-nd, who was Mr. Fowke's nephew, wrote to Mr. Barwell that he did not like the character of an informer, but that if any severe or infamous punishment was inflicted on Mr. Fowke he would come to Calcutta and inform against Mr. Barwell for his practice in taking money at Dacca, and would carry it to the utmost by carrying it to the Government at——; that Mr. Holland would go to England to prosecute the same charge."

H. BEVERIDGE.

* Mr. Nichol.

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